

CONSULTATION DRAFT  
**AN ACT TO AMEND THE POLICE ACT**

**BILL NO.**

**2021**

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BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. (1) **Subsection 14.2(4) of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, is amended by the deletion of the words “six months” and the substitution of the words “twelve months”.**
  - (2) **Section 14.2 of the Act is amended by the addition of the following after subsection (4):**

**Minister may make later complaint in the public interest**
  - (5) Despite subsection (4), the Minister may make a complaint pursuant to subsection (2) later than twelve months after the date on which the Minister required the corrective action to be taken if the Minister is satisfied that it is in the public interest to make the complaint.
2. (1) **Subsection 14.3(4) of the Act is amended by the deletion of the words “six months” and the substitution of the words “twelve months”.**
  - (2) **Section 14.3 of the Act is amended by the addition of the following after subsection (4):**

**Minister may make later complaint in the public interest**
  - (5) Despite subsection (4), the Minister may make a complaint pursuant to subsection (2) later than twelve months after the date on which the Minister required the corrective action to be taken if the Minister is satisfied that it is in the public interest to make the complaint.
3. **Subsection 21(2) of the Act is repealed and the following substituted:**

**Persons who may make complaint**

  - (2) A person may make a complaint under this Part concerning the conduct of a police officer or an instructing officer only if the person was directly affected by that conduct and if the complaint is made within twelve months after

- (a) the conduct complained of occurred; or
  - (b) the person first knew or ought to have known that the conduct complained of had occurred;
- whichever occurs later.

**4.(1) Subsection 25(1) of the Act is repealed and the following substituted:**

**Late complaints**

- (1) Where the chief officer of a police department decides that a complaint made in respect of the conduct of a police officer of the police department is made more than twelve months after the later of
- (a) the date the facts on which it is based occurred; or
  - (b) the date upon which the person making the complaint first knew or ought to have known that the conduct complained of had occurred;
- the chief officer shall dismiss the complaint.

**Extension – time to file complaint**

- (1.1) Despite subsection (1), the chief officer of a police department may extend the time limit for making a complaint if the chief officer is satisfied that there are good reasons for doing so and it is not contrary to the public interest.
- (2) **Clause 25(3)(a) of the Act is amended by the deletion of the words “six months” and the substitution of the words “twelve months”.**

**5. Subsection 35(2) of the Act is repealed and the following substituted:**

- (2) A person may make a complaint under this Part concerning the conduct of a chief officer, a security police officer or the Director only if the person was directly affected by that conduct and if the complaint is made within twelve months after
- (a) the conduct complained of occurred; or
  - (b) the person first knew or ought to have known that the conduct complained of had occurred;
- whichever occurs later.

**6. (1) Subsection 39(1) of the Act is repealed and the following substituted:**

**Late complaints**

- (1) Where the Manager decides that a complaint made in respect of the conduct of a chief officer is made more than twelve months after the later of
- (a) the date the facts on which it is based occurred; or
  - (b) the date upon which the person making the complaint first knew or ought to have known that the conduct complained of had occurred;
- the Manager shall dismiss the complaint.

**Extension – time to file complaint**

- (1.1) Despite subsection (1), the Manager may extend the time limit for making a complaint if the Manager is satisfied that there are good reasons for doing so and it is not contrary to the public interest.

- (2) **Clause 39(3)(a) of the Act is amended by the deletion of the words “six months” and the substitution of the words “twelve months”.**

## EXPLANATORY NOTES

**SECTION 1** extends the time in which the Minister of Justice and Public Safety and Attorney General may make a complaint about the conduct of a chief officer under the *Police Act* from six months to twelve months and gives the Minister the discretion to make a later complaint where the Minister is satisfied that it is in the public interest to make the complaint.

**SECTION 2** extends the time in which the Minister may make a complaint about the conduct of a police officer from six months to twelve months and gives the Minister the discretion to make a later complaint where the Minister is satisfied that it is in the public interest to make the complaint.

**SECTION 3** extends the time in which a person may make a complaint under Part VII of the Act concerning the conduct of a police officer or an instructing officer from six months to twelve months.

**SECTION 4** extends the time after which a chief officer must dismiss a complaint concerning the conduct of a police officer from six months to twelve months, and provides authority for a chief officer to extend the time limit for making a complaint if the chief officer is satisfied that there are good reasons for doing so and it is not contrary to the public interest.

**SECTION 5** extends the time in which a person may make a complaint under Part VIII of the Act concerning the conduct of a chief officer, a security police officer or the Director of the Atlantic Police Academy, from six months to twelve months.

**SECTION 6** extends the time after which Manager of the office of the Police Commissioner must dismiss a complaint concerning the conduct of a chief officer from six months to twelve months, and provides authority for the Manager to extend the time limit for making a complaint if the Manager is satisfied that there are good reasons for doing so and it is not contrary to the public interest.