



Legislative Brief Police Impersonation and Paraphernalia

Foundational Document

Prepared by: Commission Counsel

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NOTE 1:

This is a document provided for discussion purposes, based on a summary of the applicable law as assembled by Commission Counsel. The Commission welcomes input from Participants as to other laws or sections to be included in this overview.

SUBJECT MATTER

The purpose of this document is to provide information about the law applicable to police impersonation and police paraphernalia at the time of the mass casualty in April 2020. It is intended to assist the Commission in fulfilling its mandate by providing factual information about the rules in place at the time. It does not provide any commentary, evaluations, or recommendations.

The language from the statutes and regulations in this document is that which was applicable at the time of the mass casualty. The document notes any provisions that have changed in the intervening time. All underlining has been added unless otherwise indicated.

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Legislative Brief: Police Impersonation and Paraphernalia

SUMMARY

I. Introduction

The purpose of this document is to provide information about the law applicable to police impersonation and police paraphernalia at the time of the mass casualty in April 2020. It is intended to assist the Commission in fulfilling its mandate by providing factual information about the rules in place at the time. It does not provide any commentary, evaluations, or recommendations.

The language from the statutes and regulations in this document is that which was applicable at the time of the mass casualty. The document notes any provisions that have changed in the intervening time. All underlining has been added unless otherwise indicated.

II. Federal Legislation

1. The Criminal Code of Canada

<i>Criminal Code</i>, R.S.C., 1985, c. C-46	
Key provisions	
s. 130	(1) Everyone commits an offence who (a) falsely represents himself to be a peace officer or a public officer; or (b) not being a peace officer or public officer, uses a badge or article of uniform or equipment in a manner that is likely to cause persons to believe that he is a peace officer or a public officer, as the case may be.
Web link: https://laws-lois.justice.gc.ca/eng/acts/C-46/page-32.html#docCont	

Additional information: The “Personating a peace officer” provision of the *Criminal Code* was applicable in April 2020 and has not been amended since.

2. Royal Canadian Mounted Police Act

<i>Royal Canadian Mounted Police Act</i>, RSC 1985, c R-10	
Definitions	
s. 2(1)	Force means the Royal Canadian Mounted Police; (<i>Gendarmerie</i>) member means any person who has been appointed under section 5 or subsection 6(3) or (4) or 7(1) and who is employed with the Force; (<i>membre</i>) Minister means the Minister of Public Safety and Emergency Preparedness; (<i>ministre</i>) officer means a member appointed under section 5 or subsection 6(3) or (4) ; (<i>officier</i>)

Provisions	
s. 49	<p>Unlawful use of name of Force</p> <p>49 (1) Every person is guilty of an offence punishable on summary conviction who, without the authority of the Commissioner, uses</p> <ul style="list-style-type: none"> (a) the name of the Force or any abbreviation thereof or any words or letters likely to be mistaken therefor, (b) any picture or other representation of a member of the Force, or (c) any mark, badge or insignia of the Force, <p>as all or any part of the name of any corporation, company, partnership or unincorporated association, in any advertising, for any business or trade purpose, or in such a way as to represent or imply that the Force uses or approves or endorses the use of any goods or services.</p> <p>Personation of former member</p> <p>(2) Every person not being a former member who, without the authority of the Commissioner, uses any clothing, equipment, badge, medal, ribbon, document or other thing in such a manner as to lead to a reasonable belief that the person was a member of the Force is guilty of an offence punishable on summary conviction.</p> <p>Consent to prosecution</p> <p>(3) No proceedings in respect of an offence under this section shall be instituted without the consent of the Minister.</p>
<p>Web link: https://www.canlii.org/en/ca/laws/stat/rsc-1985-c-r-10/latest/rsc-1985-c-r-10.html?resultIndex=2</p>	

III. Provincial and territorial legislation and regulations

A. Nova Scotia

1. Police Act

<i>Police Act, SNS 2004, c. 31</i>	
Key provisions	
s. 69	<p>(1) No person or organization shall use the uniform, insignia, vehicle markings or other signs or symbols of a police department.</p> <p>(2) Where the Minister is of the opinion that the uniform, insignia, vehicle markings or other signs or symbols employed by a person or organization are so similar to those used by a police department that the public or a member of the public may be misled, the Minister may, by order in writing, require the person or organization to cease using the uniform, insignia, vehicle markings or other signs or symbols.</p>

Web link: <https://canlii.ca/t/52lb3>

Additional information: Section 69 of the NS *Police Act* was applicable at the time of the mass casualty in April 2020, and continues to apply today.

New provincial legislation entitled the [Police Identity Management Act](#) was given royal assent on April 19th, 2021. It was therefore not applicable at the time of the mass casualty in April 2020. It prohibits the sale, reproduction or possession of police issued items by or for others. It also prohibits the sale of marked police vehicles and restricts possession of police vehicle decals and police vehicle equipment to authorized individuals and uses. More specifically, the law makes it an offence to use or possess police paraphernalia (articles, uniform, markings, vehicle-equipment), subject to some exceptions (dramatic works, museums, exhibitions, etc.). It also makes it an offence to display the word “police” on clothing or vehicles if it might mislead the public into believing the person/vehicle is a police officer/police vehicle. It makes it an offence to sell or fabricate police paraphernalia unless the purchaser is authorized. It also gives police the ability to obtain a search warrant if an officer has reasonable grounds to believe that the Act is being violated.

2. Private Investigators and Private Guards Act

Private Investigators and Private Guards Act, R.S., c. 356, s. 1.	
Key provisions	
s. 20	(1) No licensee shall hold himself out in any manner as being a member of a police force. (2) No licensee shall at any time, whether by agreement with a municipality or otherwise, act as a member of a police force.
Web link: https://canlii.ca/t/jp6v	

3. Private Investigators and Private Guards Regulations

Private Investigators and Private Guards Regulations, made under the Private Investigators and Private Guards Act, R.S.N.S. 1989, c. 356	
Key provisions	
s. 14	(1) A uniform to be worn by a private guard, other than an armed private guard, must be approved by the Minister [...] (3) A private guard must not have the words “police”, “sheriff” or “officer” displayed on their uniform.
s. 15	(1) A motor vehicle used by a private guard for security patrol must (d) not resemble a police or sheriff motor vehicle nor display the words “police” or “sheriff” nor any other word that would tend to confuse the public about the purpose of the motor vehicle.
Web link: https://canlii.ca/t/52fr8	

B. New Brunswick

New Brunswick's [Police Act](#) does not contain prohibitions related to police impersonation or police paraphernalia.

1. Private Investigators and Security Services Act

Private Investigators and Security Services Act, RSNB 2011, c. 209	
Key provisions	
s. 25	No licensee shall hold the licensee out in any manner as a police officer or as performing or providing services or duties connected with a police force.
Web link: https://canlii.ca/t/54w7j	

2. General Regulation

General Regulation, NB Reg 84-103, made under the Private Investigators and Security Services Act (O. C. 84-386)	
Key provisions	
s. 8	(3) A security guard shall not wear a uniform, equipment, badges or an insignia in a colour, pattern or design similar to the uniform, equipment, badges or insignia worn by the municipal police force located in the area in which the security guard is employed or worn by the Royal Canadian Mounted Police. (6) A security guard shall not use any equipment of a colour, pattern or design similar to that used by the municipal police force located in the area in which the security guard is employed or used by the Royal Canadian Mounted Police. (7) A security guard shall not wear on a uniform any insignia or badge or use on any equipment any insignia that uses or displays the word "Police".
Web link: https://canlii.ca/t/533ht	

C. Newfoundland and Labrador

Newfoundland and Labrador's [Royal Newfoundland Constabulary Act](#) does not contain prohibitions related to police impersonation or police paraphernalia.

1. Private Investigation and Security Services Act

Private Investigation and Security Services Act, RSNL 1990, c. P-24	
Key provisions	
s. 30(1)	A private investigator, while acting as a private investigator, shall not wear a uniform or carry or display a badge, shield, card or other evidence of authority except the licence issued to him or her under this Act and a business card containing no reference to licensing under this Act.
Web link: https://canlii.ca/t/53jc1	

2. Private Investigation and Security Services Regulations

<i>Private Investigation and Security Services Act, RSNL 1990, c. P-24, made under the Private Investigation and Security Services Act, RSNL 1990, c. P-24</i>	
Key provisions	
s. 11	A security guard, armoured vehicle guard and burglar alarm agent who installs, services, tests or patrols a burglar alarm system shall, while on duty, wear a uniform which (a) shall not resemble nor be easily confused with the uniforms of the Royal Canadian Mounted Police or the Royal Newfoundland Constabulary; (b) must display on the sleeves of all visible dress at the shoulders the words "security guard" or "security" in clear legible letters not less than 9.1 millimetres in height woven into the fabric of the uniform or of a patch securely attached to it in such a way as to be legible whether in combination with other letters or symbols.
s. 14	No insignia or markings on vehicles or equipment operated by agencies shall be designed in a manner which would resemble the markings or the insignia of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police.
Web link: https://canlii.ca/t/525d5	

D. Prince Edward Island

1. Police Act

<i>Police Act, RSPEI 1988, c. P-11.1</i>	
Key provisions	
s. 55	(1) No person shall (a) hold out that the person is a police officer; or (b) display the word "police" either alone, as part of a word or in conjunction with any other words, on a uniform, an insignia, a vehicle marking or another sign or symbol where the display of the word "police" might mislead the public or a member of the public into believing that the person displaying the word or causing the word to be displayed is a member of a police service, or is empowered to exercise the powers of a police officer or powers that are similar to the powers of a police officer [...] (2) Where the Minister is of the opinion that the uniform, insignia, vehicle markings or other signs or symbols employed by a person or organization are so similar to those used by a police service that the public or a member of the public might be misled, the Minister may, by order in writing served on that person or organization require the person or organization to cease using the uniform, insignia, vehicle markings or other signs or symbols.
Web link: https://canlii.ca/t/5531z	

2. Private Investigators and Security Guards Act

Private Investigators and Security Guards Act, RSPEI 1988, c. P-20

Key provisions	
s. 17(1)	No security guard while on duty shall have in his possession or display any evidence of authority except his uniform and the prescribed identification card issued under this Act.
Web link: https://canlii.ca/t/52kxp	

3. *Private Investigators and Security Guards Act Regulations*

<i>Private Investigators and Security Guards Act Regulations, PEI Reg EC256/88, passed under Private Investigators and Security Guards Act, RSPEI 1988, c. P-20</i>	
Key provisions	
s. 14	(1) No security guard shall wear a uniform which has not been approved by the Minister. (2) A security guard shall at all times while on duty display over the left breast pocket on the outermost garment worn a fabric patch, bearing the words "Security Guard" in clearly legible dark or light letters not less than three-eighths of an inch in height upon a contrasting dark or light background. (3) <u>A security guard shall not wear on a uniform any insignia or badge which uses or displays the word "Police".</u> (4) A security guard shall not wear as part of the security guard's uniform a combination of belt and shoulder strap commonly known as Sam Browne equipment or any belt and shoulder strap of that type which may be similar in design to the belt and shoulder strap equipment normally worn by municipal police or members of the Royal Canadian Mounted Police.
Web link: https://canlii.ca/t/k4nh	

E. Quebec

1. *Police Act*

<i>Police Act, CQLR c. P-13.1</i>	
Key provisions	
s. 312	Every person who deceives others into believing that the person is a member of a police force or a special constable, in particular by wearing a uniform or a badge, is guilty of an offence and is liable to a fine of \$500 to \$3,000.
Web link: https://canlii.ca/t/554f7	

Note: Quebec has a [Private Security Act](#) and a number of regulations made under that Act, but these statutes do not prohibit private security guards from wearing uniforms that resemble police uniforms or drive vehicles that resemble police vehicles, as is the case with other provincial statutes.

F. Ontario

Ontario's [Police Services Act](#) does not contain prohibitions related to police impersonation or police paraphernalia.]

1. *Private Security and Investigative Services Act*

<i>Private Security and Investigative Services Act, SO 2005 c. 34</i>	
Key provisions	
s. 35	(2) Subject to subsection (3), every person who is acting as a security guard or holding himself or herself out as one shall wear a uniform that complies with the regulations. (3) Subsection (2) does not apply to a person who is, (a) acting as a bodyguard; or (b) performing services to prevent the loss of property through theft or sabotage in an industrial, commercial, residential or retail environment. (4) <u>No person who is acting as a security guard or holding himself or herself out as one shall possess any identification or symbol of authority other than his or her uniform</u> , the licence issued to him or her under this Act, and any other form of identification or symbol of authority provided for in the regulations.
Web link: https://canlii.ca/t/53n9v	

2. Ontario Regulation - Uniforms

<i>ONTARIO REGULATION 362/07 - UNIFORMS, made under the Private Security and Investigative Services Act, 2005, SO 2005, c. 34</i>	
Key provisions	
s. 1	A person who is licensed as a security guard and who is required by the Act to wear a uniform when acting as a security guard or holding himself or herself out as one shall wear a uniform that complies with this Regulation when acting as a security guard or holding himself or herself out as one.
s. 2	(1) The name, logo or crest of the licensee that employs the security guard must be affixed to the chest of the outermost piece of the uniform. (2) The term "SECURITY", "SÉCURITÉ", "SECURITY GUARD" or "AGENT DE SÉCURITÉ", in upper case letters not less than 1.5 centimetres high and in a colour that contrasts with the dominant colour of the uniform, must be, (a) permanently affixed to the chest of the outermost piece of the uniform; and (b) affixed between two and three centimetres below the name, logo or crest of the licensee that employs the security guard, if the name, logo or crest appears anywhere else on the uniform in addition to the chest of the outermost piece. (3) The word "SECURITY" or "SÉCURITÉ", in upper case letters not less than 10 centimetres high and in a colour that contrasts with the dominant colour of the uniform, must be permanently affixed to the back of the outermost piece of the uniform unless the outermost piece of the uniform is a shirt with a collar, a sweater, a blazer, a sports jacket or a suit jacket.
s. 4	(1) The uniform must not have rank chevrons.

	(2) Subsection (1) does not apply to a uniform worn by a licensee who is an employee of a non-profit organization that was in existence before August 23, 2007.
s. 5	If the uniform includes a shirt with a collar, the shirt must not be black or navy blue.
s. 6	The trousers must not have stripes, other than reflective safety stripes, down the side.
s. 7	The uniform must not include a police-style forage cap.
Web link: https://canlii.ca/t/kjmh	

G. Manitoba

Note: Manitoba has a [Police Services Act](#) but it does not contain prohibitions related to police impersonation or police paraphernalia.

1. The Private Investigators and Security Guards Act

<i>The Private Investigators and Security Guards Act, CCSM c. P132</i>	
Key provisions	
s. 31(1)	No person acting as a private investigator shall have in his or her possession or display any badge, shield, card or other identification or evidence of authority except (a) his or her licence; and (b) a business card containing no reference to licensing under this Act.
s.32(2)	No security guard shall, while on duty, have in his or her possession or display any evidence of authority, except for his or her licence and approved uniform.
s.35	No person holding a licence under this Act shall hold himself out in any manner as performing or providing services or duties connected with the police.
Web link: https://canlii.ca/t/52683	

2. Private Investigators and Security Guards Regulation

<i>Private Investigators and Security Guards Regulation, Man Reg 164/2010</i>	
Key provisions	
s. 6	(1) A person who applies for a licence authorizing the person to provide security guards must submit with the application, a sample of the uniform, badges and insignia proposed to be worn by the security guards that the person will employ. (2) To be approved for use by the registrar, (a) the uniform of a security guard must have displayed on the chest of the outer garment a fabric patch or a plate bearing the words "SECURITY GUARD" in clearly legible block print letters not less than 1.2 centimetres in dimension; and (b) <u>the uniform, and any badges and insignia, must be of a design, colour and pattern sufficient to make them different and clearly distinguishable from those of any military or police force.</u>

Web link: <https://canlii.ca/t/51zvz>

H. Saskatchewan

Note: Saskatchewan has a [Police Act](#) but it does not contain prohibitions related to police impersonation or police paraphernalia.

1. *Private Investigators and Security Guards Act*

Private Investigators and Security Guards Act, RSS 1978, c. P-26

Key provisions

s. 30	(1) No security guard shall wear a uniform unless it is approved by the registrar. (2) No person acting as a security guard shall have on his uniform any badge or other identification containing the word “police”.
s. 31	No licensee shall: (a) hold himself out in any manner as performing or providing services or duties connected with the police; or (b) include in any advertisement, notice or business card any reference to being licensed or bonded under this Act.

Web link: <https://canlii.ca/t/h6m0>

I. Alberta

1. *Police Act*

Police Act, RSA 2000, c. P-17

Key provisions

s. 54	(1) No person shall, unless the person is appointed as a police officer under this Act or pursuant to an Act of the Parliament of Canada, (a) hold out that the person is a police officer, or (b) display the word “police” either alone, as part of a word or in conjunction with any other words, on a uniform, an insignia, a vehicle marking or another sign or symbol where the display of the word “police” might mislead the public or a member of the public into believing that the person displaying the word or causing the word to be displayed (i) is a member of a police service, or (ii) is empowered to exercise the powers of a police officer or powers that are similar to the powers of a police officer. (2) If the Minister or the Minister’s designate is of the opinion that the uniform, insignia, vehicle markings or other signs or symbols employed by a person or organization are so similar to those used by a police service that the public or a member of the public might be misled, the Minister or the Minister’s designate may, by order in writing served on that person or organization, require the person
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	or organization to desist from the use of that uniform or insignia or those markings, signs or symbols.
Web link: https://canlii.ca/t/5549l	

2. *Private Investigators and Security Guards Act*

<i>Private Investigators and Security Guards Act, RSA 1980, c. P-16</i>	
Key provisions	
s. 17	A person holding a licence under this Act shall not (a) hold himself out in any manner as performing or providing services or duties ordinarily performed or provided by police, or (b) at any time, whether by agreement with a municipality or municipal police commission or otherwise, act as a member of the police force or perform the duties of a peace officer, including a special constable or by-law enforcement officer, unless (i) the duties or services are restricted to the enforcement of municipal by-laws pertaining to the parking of vehicles, and (ii) he is acting as a security guard and possesses an appointment as a by-law enforcement officer.
Web link: https://canlii.ca/t/53qf5	

J. **British Columbia**

Note: BC has a [Police Act](#), but it does not contain prohibitions related to police impersonation or police paraphernalia.

1. *Security Services Act*

<i>Security Services Act, SBC 2007, c. 30</i>	
Key provisions	
s. 44	(5) A person engaged in security work, or carrying on a security business, must not use the words "detective", "law enforcement", "peace officer" or "police", either alone or in conjunction with other words, to describe or identify the person's security business or security work.
Web link: https://canlii.ca/t/lqm8	

2. *Private Investigators and Security Agencies (Ministerial) Regulation*

<i>Private Investigators and Security Agencies (Ministerial) Regulation, BC Reg 4/81, made under Private Investigators and Security Agencies Act, RSBC 1996, c. 374</i>	
Key provisions	
s. 6	(1) A vehicle operated by a security business licensee carrying on the business of security patrol or private investigator must not (a) be equipped with a siren,

	<p>(b) except while the vehicle is in use on an industrial site where a flashing light is required by the site owner or operator for the safety and security of the security employee, be equipped with a flashing, rotating or similar light other than turn signals and hazard warning flashers that are installed by the manufacturer as standard equipment,</p> <p>(c) be equipped with a roof-mounted light bar or interior mounted light that resembles those used on police or other emergency vehicles, or</p> <p>(d) have markings that by design or color cause the vehicle to resemble a police or other emergency vehicle.</p> <p>(2) A vehicle operated by a licensee carrying on the business of security patrol must, if used for the purpose of security patrol, display</p> <p>(a) the word "SECURITY", either alone or in conjunction with the word "PATROL" or "GUARD", on both sides of the exterior of the vehicle in letters not less than 3 inches high, and</p> <p>(b) the name and telephone number of the security business licensee on the front, back or side of the vehicle.</p>
s. 8	<p>(1) A security employee must not wear a uniform that, in the opinion of the registrar, so closely resembles the uniform of a police officer in style, color, insignia or other marking that it is likely to confuse or mislead the public.</p> <p>(4) A uniform worn by a security patrol employee must display</p> <p>(a) on the chest of the shirt in letters not less than 1/2 inch high, the word "SECURITY" either alone or in conjunction with the word "GUARD", "PATROL" or the name of the security business,</p> <p>(b) on a cap, a cloth badge or embroidery bearing the word "SECURITY" either alone or in conjunction with the word "GUARD" or "PATROL",</p> <p>(c) on both shoulders, a cloth badge identifying the security business except that the badges need not be displayed if the security business is identified under paragraph (a), and</p> <p>(d) while patrolling in a public area, on the back of the patrol jacket in letters not less than 2 inches high, the word "SECURITY" either alone or in conjunction with the word "GUARD" or "PATROL".</p>
<p>Web link: https://canlii.ca/t/jkkr</p>	

K. Yukon

Note: The Yukon does not have a *Police Act*. It has an [Auxiliary Police Act](#) but that Act does not contain prohibitions related to police impersonation or police paraphernalia.]

1. Private Investigators and Security Guards Act

<i>Private Investigators and Security Guards Act, RSY 2002, c. 177</i>	
Key provisions	
s. 34	<p>A person holding a licence under this Act shall not</p> <p>(b) hold themselves out in any manner as providing the services ordinarily provided by police</p>
<p>Web link: https://canlii.ca/t/525n0</p>	

2. Private Investigators and Security Guards Regulations

Private Investigators and Security Guards Regulations, YOIC 1989/73, made under <i>Private Investigators and Security Guards Act, RSY 2002, c. 177</i>	
Key provisions	
s. 11	<p>(1) Uniforms, equipment, badges and rank insignia, worn by security guards and armoured car guards must of a colour, pattern and design approved in writing by the registrar.</p> <p>(2) A security guard shall wear a security guard uniform while employed as a security guard, unless performing the duties of a bodyguard unless the prior approval of the registrar has been obtained.</p> <p>(3) The uniforms worn by a security guard on duty shall</p> <ul style="list-style-type: none">(a) plainly display the word “Security” or the words “Security Guard” on the chest of the outermost garment being worn, and(b) bear on each upper arm of the outermost garment being worn, except when wearing a blazer that is part of the uniform, shoulder flashes displaying the agency name. <p>(4) A security or armoured car guard shall not wear insignia or badge displaying the word “Police”.</p> <p>(5) A security guard shall not wear a combination of belt and shoulder strap commonly known as Sam Browne equipment or any belt and shoulder strap which may be similar in design to the belt and shoulder strap normally worn by members of the Royal Canadian Mounted Police.</p>
Web link: https://canlii.ca/t/kfzp	

L. Northwest Territories

Note: The NWT does not have a “*Police Act*” or equivalent, or a statute regulating security guards.

M. Nunavut

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