



TOWN POLICY

ADMINISTRATION POLICY:

Peace Officer Warrant Policy

DEPARTMENT: Municipal Enforcement

POLICY NUMBER: ME-052

APPROVAL: 
APPROVED BY CAO
Jeff Shaw

EFFECTIVE DATE: December 13, 2016

SUPERSEDES: Policy #P-52

UP FOR REVIEW: December 7, 2021

Policy Statement:

The ability to execute provincial warrants is available to Peace Officers provided the provincial warrant has been issued for an offence found within the Peace Officer's appointment (i.e., If the warrant is for a moving offence under the *Traffic Safety Act*, the Peace Officer must have moving *Traffic Safety Act* authority on their appointment).

The purpose of this policy is to:

Meet the policy requirement as set out in the Peace Officer Act/Regulations to gain the authority to execute Provincial Warrants by Town employed Peace Officer(s).

Form 7 Warrant Procedures

These warrants are most often the result of a failure of the accused to attend at court as required.

- 1) Arrest subject and read Charter rights.
- 2) Make contact with the originating agency to confirm the warrant, and determine the agencies
- 3) Wishes for release.
- 4) Release subject on the appropriate legal form if required/appropriate.
 - (a) Endorsed form 7 warrants will have the offender released on a Promise to Appear notice with a new court date. If the warrant is from external agency information will be obtained from them on when/where the court date is to be.
 - (b) Unendorsed form 7 warrants will be taken into custody and turned over to the RCMP for a judicial interim hearing.
- 5) Transport to, or contact the police service of jurisdiction regarding transport if a judicial interim release hearing required.
- 6) Advise the originating agency of the process followed and forward all original documents.
- 7) Create a paper file and keep copies of all forms issued.





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Form 21 Warrant Procedures

These warrants are commonly known as 'pay or stay' warrants. They indicate that the subject has been convicted of an offence, and is to be incarcerated pending the payment of a monetary fine.

- 1) Arrest subject and read Charter rights.
- 2) Make contact with the agency originating the warrant and confirm the warrant.
- 3) A subject arrested on a Form 21 warrant must pay the fine or be incarcerated.
- 4) If the subject is able to pay the fine, a receipt must be issued (cash or money orders only).
- 5) Advise the originating agency of the process followed and forward all original documents.
- 6) Create a paper/electronic file and keep copies of all forms issued.

Notes:

- 1) If the subject is unable to pay the fine, they must be transported to the police service of jurisdiction for incarceration. With prior procedures in place, and where available, peace officers may transport subjects arrested on Form 21 warrants to a provincial correctional institution.
- 2) Judicial interim release hearings may not be conducted by peace officers in this program unless employed directly by a police service and with the permission of the Director of Law Enforcement.

