

BODY ARMOUR CONTROL ACT

POLICY AND PROCEDURES MANUAL

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VERSION 2

RESPECT

ACCOUNTABILITY

INTEGRITY

EXCELLENCE

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1.0 Program Overview

1.1 *Body Armour Control Act*

This program operates under the auspices of the *Body Armour Control Act* which allows the Government of Alberta to implement control on the possession or selling of body armour to individuals.

Legislation governing body armour is found in the *Body Armour Control Act* and *Body Armour Control Regulation*. This manual provides the information necessary for individuals and businesses to understand the expectations involving operational and administrative practices and procedures. Alberta Justice has overall authority for the Act; however, the program is administered by the Public Security Division under the Registrar and Deputy Registrar. The Deputy Registrar has responsibility for daily program operations, including development of policies and guidelines. All program related correspondence must be directed to the Deputy Registrar for approval and processing unless otherwise specified in this manual.

2.0 Act and Regulation Overview

The Body Armour Control Program has been created pursuant to the *Body Armour Control Act*, *Body Armour Control Regulation*. It will be the responsibility of the Public Security Division to provide administration and oversight.

For information purposes, a brief overview of the legislation follows below.

2.1 *Body Armour Control Act*

Contains the broad strategic directions under which the Public Security Division must operate. The key directions of professionalism, accountability and standards are captured under the Act.

- a) Outlines the application of safety equipment.
- b) Identifies exemptions.
- c) Details the Registrar's function.
- d) Addresses the processing of personal information.
- e) Outlines the issuance of permits.
- f) Lists the reasons for refusal of permit.
- g) Details reporting requirements.
- h) Addresses the reasons for suspension, cancellation or variance of permit.
- i) Discusses the Registrar's decisions and the ability to request a review.
- j) Outlines the process for handling complaints regarding the permit holder.
- k) Identifies the search and seizure powers of peace officers regarding body armour.
- l) Details the sale of body armour.
- m) Lists offences and penalties under the Act.

2.2 **Body Armour Control Regulation**

Contains the operational and administrative practices and procedures under which permit holders must operate.

- a) Expands individual exemptions.
- b) Discusses permit fees.
- c) Outlines the terms and conditions of the permit.
- d) Addresses the collection of personal information.
- e) Identifies the Registrar's powers.
- f) Explains the disposal requirements of body armour.

3.0 **Body Armour**

Body armour is a garment or item designed, intended or adapted for the purpose of protecting the body from an item or object used to, or adapted to, stab, pierce, puncture, or otherwise wound the body.

No individual shall possess body armour without a valid permit issued under this Act **OR**, is otherwise exempted from requiring a permit.

4.0 **Equipment Not Covered**

This Act does not apply to safety equipment designed, intended for use and worn by an individual for sports or recreational purposes. Additionally, safety equipment or personal protective equipment designed, intended for use and worn by an individual to protect them from injury in the course of the individual's employment and required by an Occupational Health and Safety code within the meaning of the *Occupational Health and Safety Act*.

5.0 **Exemptions from Holding a Permit**

As per section 4 of the Act and section 2 of the Regulation, the following classes or individuals have been exempt from the requirement to hold a permit. If there are questions regarding exemptions, contact Security Programs for guidelines and direction.

- Members of the Royal Canadian Mounted Police, members of a police service as defined in the *Police Act*, and peace officers while acting within the scope of their authority and in the course of their employment or designation.
- Ambulance attendants under the *Emergency Health Services Act* while the ambulance attendant is acting within the scope of the ambulance attendant's authority and in the course of the ambulance attendant's employment or designation.
- Individuals designated as inspectors under section 98 of the *Gaming and Liquor Act* while the inspector is acting within the scope of the inspector's employment.

- Individuals who are licensed as a security services worker or an investigator under the *Security Services and Investigators Act* while the licensee is acting within the scope of the licensee's authority and in the course of the licensee's employment or designation.
- Wildlife officers under the *Wildlife Act* while the wildlife officer is acting within the scope of the wildlife officer's authority and in the course of the wildlife officer's employment or designation.
- Individuals who have been issued a valid licence under the *Firearms Act* (Canada).
- Firefighters while the firefighter is acting in the course of the firefighter's employment.
- Business owners, or employees of a business, who in the ordinary course of that business or employment purchases, sells, transports or otherwise deals with body armour.
- Individuals who have been authorized to use or permitted to wear body armour under the authority of an enactment.
- Individuals involved in farming or ranching operations, while engaged in farming or ranching operations.
- Individuals performing in an exhibition, stampede, rodeo, fair or sporting event.

6.0 Equipment Exemptions

As per section 1 of the Regulation, the following types of equipment are not subject to this Regulation or the Act. If there are questions regarding exemptions, contact Security Programs for guidelines and direction.

- Medieval or historical personal armour or a reproduction of medieval or historical personal armour that is designed, intended for use and worn by an individual for the purposes of a historical re-enactment or a sporting event in which such equipment is required.
- Medieval or historical personal armour or a reproduction of medieval or historical personal armour that is:
 - a) on display for viewing purposes,
 - b) for sale to museums and collectors,
 - c) in the possession of an individual, organization or business for research or restoration, or
 - d) intended and used for collection, display, costuming or decoration.
- Personal armour or equipment or a reproduction of personal armour or equipment that is considered to be a historic object, as defined in the *Historical Resources Act* that is collected and stored by a museum.

7.0 Qualifications for Permit

The Registrar's office shall review all applications to ensure the applicant meets legislated requirements. Individual applicants satisfying the requirements may be issued a permit in accordance with the *Body Armour Control Act and Regulation*.

7.1 Qualification for Permit

Individuals applying for a permit under the *Body Armour Control Act* must meet the following qualifications:

- Provide reason for the body armour and indicate whether it is required for employment or personal use.
- Have no serious criminal record for which a pardon has not been granted.
- Have no outstanding criminal charges.
- Not be the subject of a criminal investigation.
- Is fit and proper to be issued a permit.

7.2 Police Information and Criminal Record Check

Individuals must undergo police information and criminal record checks at the time of application and permit renewal.

- Individuals must complete this process in full when they renew their permit.
- Individuals are required have the following two searches completed:
 - CPIC (criminal record check)and
 - local indices (adverse police information).

Considerations

The following convictions are considered serious and will normally result in an application for a permit being denied:

- Any conviction related to serious crimes against a person (robbery, sexual assault, aggravated assault, assault with a weapon, kidnapping, etc.).
- Any conviction related to organized crime.
- Any conviction related to drug trafficking.
- Any serious criminal, organized crime, or drug investigations within six months of the application will be reviewed to determine if the file is open. If the file is open, the application will be denied until resolution has been reached. The applicant will be required to sign a release to allow the Registrar to conduct a further review.
- Any criminal activity not specifically listed above impacting the public interest.

Any application showing criminal activity, convictions or association is subject to review by the Registrar. All findings on a police information and criminal record check, including previous criminal charges, may result in an application being declined.

If it is found, after a permit has been issued, that criminal charges are pending, the permit will be immediately suspended and the individual may be charged for submitting false information.

Police Information and Criminal Record Check Process

Applicants will be required to attend the police service in the community in which they reside to have the back of a photo signed and request an employment police information check. For more information see the Permit Application/Renewal Form Guide attached to the individual application forms.

Applicants must take the following documents to the police service:

- a recent colour, passport-size photo (to be signed by a police officer, peace officer, or police service employee who is a commissioner for oaths); and
- 2 pieces of government issued identification; at least one must be photo identification.

7.3 Application Process

Individuals applying for permit must complete their application package and submit to Security Programs. A permit will not be issued until all qualifications and requirements are met.

- Individuals are responsible for submitting their applications and fees.
- Incomplete packages will be mailed back to the return address with a list showing the deficiencies that must be remedied.
- Permits are non-transferable to another person and are valid for one or two years unless otherwise stated.
- All fees, for either a one or two year permit, are non-refundable.

Mail Permit Applications to:

Body Armour Control, Security Programs
PO Box 1023 Station Main
Edmonton, AB T5J 2M1

When submitting for a permit, all applicants must provide the following.

- Completed Application for Individual Permit Form (PS0024).
- One colour, passport-size photo taken within the last three months.
- Must be signed by a police officer, peace officer employed by a police service, or police service employee who is a commissioner for oaths.
- Police-issued documents with the results of the police information and criminal record check and subsequent reports stating the details of any findings.

- Payment by certified corporate or personal cheque, bank draft, money order or credit card. **Cash and non-certified cheques will not be accepted.** Certified cheques and money orders must be made payable to the **GOVERNMENT OF ALBERTA**.

Incomplete or illegible application packages will be returned with a list of deficiencies and will not be processed until an amended package is submitted.

7.4 Photo Requirements

Applicants for permits must submit a photo with the original permit application that has been signed by a police officer, peace officer employed by a police service or police service employee who is a commissioner of oaths.

The photo must be:

- Recent, within three months
- Passport-size (2" wide x 2¾" high)
- Colour
- Should **not** include sunglasses, hats, hair pieces or other accoutrements that may alter the appearance of the individual

Photos may be professionally produced or produced in-house using a digital camera and printer. All images must be clear, include head and shoulders and have minimal pixilation to ensure the re-produced image on the permit card is easy to inspect. Please ensure backgrounds are a solid colour (i.e. blue) and free of clutter.

Photos must be the correct size and contain a clear image or the application will be returned without processing, requesting a new photo.

Applicants should have the back of their photo signed at the time the police information and criminal record check is completed, attesting to the fact that the applicant is adequately depicted in the photo.

7.5 Permit Renewals

Permits will be valid for a period of one or two years, unless otherwise stated or the permit is suspended or cancelled by the Registrar. Permit renewal packages will be forwarded to the individual permit holder at least two months prior to expiration.

The individual must review the renewal form, note any changes in information on the necessary forms and attach the following:

- One colour, passport-size photo taken within the last three months.
- Must be signed by a police officer, peace officer employed by a police service, or police service employee who is a commissioner for oaths.
- Police-issued documents with the results of the police information and criminal record check and subsequent reports stating the details of any findings.
- Proof that applicant has reached the age of majority (i.e. birth certificate).

- Payment by certified corporate or personal cheque, bank draft, money order or credit card. **Cash and non-certified cheques will not be accepted.** Certified cheques and money orders must be made payable to the **GOVERNMENT OF ALBERTA**.

Incomplete or illegible application packages will be returned with a list of deficiencies and will not be processed until an amended package is submitted.

7.6 Request for Review of the Decision of the Registrar

When an application or renewal is denied, a permit is suspended or cancelled or terms and/or conditions are applied to a permit, the applicant or holder may, in writing and within 30 days of being notified of the Registrar's decision, request that the Director of Law Enforcement review the decision of the Registrar. The Director may confirm, reverse, or modify the Registrar's decision.

The request for review must be submitted in writing, within 30 days of being notified of the Registrar's decision, and include all necessary supporting documentation. The request must be sent to:

Director of Law Enforcement
Justice and Solicitor General
9th Floor, 10365-97 Street
Edmonton, AB T5J 3W7

The Director of Law Enforcement will review the internal file along with all supporting documents. The Director will issue a written finding to the applicant or holder confirming, reversing, or modifying the Registrar's decision.

7.7 Alternate Dispute Resolution

Applicants and holders are encouraged to speak to Security Programs before pursuing a review to the Director of Law Enforcement. In some instances the issues may be resolved without requesting a formal review. For example, if additional supporting documentation could change the outcome, staff can recommend the Registrar review the application.

8.0 Permit Fees

Once an application is approved, fees are not refundable for any reason. Payments for individual permits are based on the permit term.

Permit fees are payable based on a one or two year term.

Permit	\$50.00 for 1 Year
	\$100.00 for 2 Years

9.0 Identification

For the protection of the public, holders are issued a formal permit in the form of an ID card.

Permit holders shall not:

- Possess or display an altered or fraudulently obtained permit.
- Transfer a permit to another individual or allow another individual to use the permit.
- Display or represent a permit as the individual's own permit if that permit was not issued to the individual.
- Display or represent as valid, a permit that has expired, been suspended or cancelled.

Permit ID cards are the property of the Justice and Solicitor General Ministry and must be returned upon request or when the permit is suspended or cancelled.

9.1 Permit ID Card

Individuals who are successful in obtaining a permit will be issued an ID card showing their photo, name, permit and expiry date, with terms/conditions and other provisions appearing on the reverse. Holders **must** carry their permit ID card with them at all times while in the possession of body armour.

New permit ID cards will be issued if there is a change in:

- Renewal, terms and/or conditions, reinstatements after suspensions, and lost or stolen cards.
- Change of name.
- Lost or stolen ID cards must be reported to the licensing department within 24 hours.
- Individual permit holders in possession of body armour without a permit ID card are subject to fines and penalties.

The permit ID card will contain:

- Individual's first and last name
- Permit number
- Expiry date
- Date issued
- Photo
- Terms and conditions (will appear on reverse)

9.2 Proof of Permit

Permit holders are required to carry their ministry issued permit ID card at all times while in the possession of body armour. As required by the Regulations, permit holders are required to show proof of permit upon request by a police or peace officer.

For example, during a traffic stop, a police officer or peace officer may request to view an individual's permit ID card if body armour is present in the vehicle or on their person.

Failure to produce a permit upon demand by a police or peace officer may result in the Registrar suspending or cancelling the permit.

10.0 Registrar and Public Security Division Responsibilities

The primary function of the Public Security Division as it pertains to the *Body Armour Control Act* is the issuing of permits in the province of Alberta. The Security Programs unit is comprised of the Registrar's office, which is responsible for the Audit and Enforcement Department and the Licensing Department.

10.1 The Registrar

The Registrar is responsible for:

- Administering and enforcing the *Body Armour Control Act, Regulations* and Policy.
- Issuance of permits.
- Reviewing incidents to determine if a permit should be cancelled, suspended or modified.
- Providing guidelines and policy to the industry.
- Providing information to the public and police concerning the *Body Armour Control Act*.
- Maintaining records on registered individuals.

10.2 Deputy Registrar

The Deputy Registrar is responsible for the day-to-day operations of the Security Programs unit and reports directly the Registrar. In the absence of the Registrar, the Deputy Registrar will assume the responsibilities of the Registrar.

10.3 Senior Licensing Clerk

The Senior Licensing Clerk is responsible for the intake and processing of application forms and renewal forms and collection of data relevant to management of the program.

11.0 Denying a Permit

The Registrar may deny a permit to an individual if the applicant:

- Failed to meet the qualifications and screening requirements outlined in the Act and Regulations.
- Has been charged with a criminal offence.
- Is under investigation for a serious offence listed in section 7.2.
- Holds a criminal record listed in section 7.2 for which a pardon has not been issued.
- Contravened the Act or Regulations.
- Provided false or misleading information to the Registrar.
- Failed to comply with a direction of the Registrar under this Act or Regulations.
- In the opinion of the Registrar, is not a fit and proper person to hold a permit.
- In the opinion of the Registrar, it is in the public interest to deny a permit.

12.0 Suspension or Cancellation of Permit

The Registrar may suspend or cancel a permit under *Body Armour Control Act and Regulations*. The permit holder will be notified in writing and the permit ID card must be returned to Security Programs forthwith. A letter will be forwarded to the permit holder advising of the reasons for suspension or cancellation. The permit holder will be provided with information on how to have the Registrar's decision reviewed.

If a review is successful and the Registrar's decision reversed, a new permit ID card will be issued to the holder listing any new terms and/or conditions.

The Registrar may suspend a permit based on:

- Conviction for a criminal offence.
- Conviction for an offence under this Act or Regulations.
- Failure to comply with a term or condition of the permit.
- Failure to comply with the code of conduct established pursuant to the Regulations.
- Making untrue or misleading statements.
- Failure or refusal to provide to the Registrar any information required under this Act or the Regulations.
- In the opinion of the Registrar, the holder is not a fit and proper person to hold a permit.
- In the opinion of the Registrar, it is in the public interest to suspend or cancel the permit.

Under section 17 of the Act, the permit holder may request a review of a Registrar's decision to deny, suspend or cancel a permit.

- The request for review must be made to the Director of Law Enforcement in writing within 30 days of receipt of notification from the Registrar,
- The Director of Law Enforcement, in reviewing the Registrar's decision, must inform the holder within 30 days of the results of the review or extension of the review process, and
- If required the Director of Law Enforcement may take more than 30 days to consider a review. In these cases the requestor will be notified in writing.

In the event a permit expires while under suspension, the holder will be required to submit the renewal application form and necessary attachments prior to receiving a new permit.

13.0 Complaints

Any individual may make a complaint in writing about a permit holder to the Registrar within 90 days after the incident or matter giving rise to the complaint occurs.

The Registrar may refuse to investigate a complaint or may discontinue the investigation of a complaint if, in the opinion of the Registrar:

- The complaint is frivolous, vexatious or made in bad faith;
- Having regard to all of the circumstances, no investigation is necessary.

If the Registrar refuses to investigate a complaint or discontinues the investigation of a complaint under Section 18, subsection (2), the Registrar must notify the complainant of the refusal or discontinuance in writing, with reasons, within 90 days of receiving the complaint.

After completing an investigation of a complaint, the Registrar may vary the terms and conditions of or impose additional terms and conditions on the permit holder's permit or cancel or suspend the permit holder's permit. The Registrar must, in writing, notify the complainant and the permit holder who is the subject of the complaint of the Registrar's decision and the reasons for the decision.

The Registrar may request a member of a police service or other individual to conduct an investigation into the incident or matter that gave rise to the complaint or to take over an investigation. If an incident or matter that is the subject of a complaint made under this section is being investigated pursuant to another enactment, the Registrar is not required to conduct an investigation into the incident or matter.

13.1 Review of Complaint by the Director

Within 30 days from the date that the complainant is notified in writing of the Registrar's decision under section 18 of the Act, the complainant may, in writing, request the Director to review the Registrar's decision.

The Director must, within 30 days of receiving a request inform the complainant in writing of the Director's decision confirming, reversing or varying the Registrar's decision.

The Director may direct the Registrar to suspend or cancel the permit holder's permit or to vary the terms and conditions of or impose additional terms and conditions on the permit holder's permit, and the decision of the Director is final.

The Director may, on notice to the complainant, extend the time needed to complete a review if additional time is required.

14.0 Search and Seizure of Body Armour

If a peace officer has reasonable grounds to believe that an individual is in possession of body armour in a public place, the peace officer may, without a warrant, search the individual and any personal property in that individual's possession.

If an individual is found to be in possession of body armour and:

- Refuses or is unable to produce a valid permit, or
- In the case of an individual who claims to be exempt from the requirement to hold a permit under this Act, is unable to identify and demonstrate the basis on which he or she is exempt.

The peace officer may seize any body armour found.

15.0 Sale of Body Armour

An individual, business owner or employee of a business shall not sell, barter or give body armour to any individual unless that individual is able to produce a valid permit or can satisfactorily demonstrate a valid exemption under the Act.

16.0 Offences and Penalties

16.1 Offences

An individual who contravenes or fails to comply with any of the following provisions in section 22 of the Act is guilty of an offence:

- Section 3 (Possess armour without permit or exemption)
- Section 10 (Fail to report information to Registrar)
- Section 12 (Fail to produce permit when requested by police/peace officer)
- Section 13 (Fail to report loss of permit)
- Section 15 (Fail to return permit to Registrar upon demand)
- Section 21 (Business sell, barter or give armour to a person with a permit or exemption)

An individual who contravenes or fails to comply with the regulations is guilty of an offence.

16.2 Penalties

An individual who is guilty of an offence under section 22 is liable to a fine of not more than \$10,000.00 or to a term of imprisonment not exceeding 6 months or to both a fine and imprisonment.

Appendix A - Forms

Note: Some forms are still in production and links will be added when available. Forms are available on the website at www.bodyarmourcontrol.alberta.ca.