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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **The *Quarantine Act* (Canada) and Mandatory Isolation Order**

DATE OF ISSUE:	April 3, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
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PRIORITY:	High

The Government of Canada has implemented an Emergency Order (*Minimizing the Risk of Exposure to COVID-19 in Canada Order [Mandatory Isolation]*) under the *Quarantine Act* (Canada) that requires persons entering Canada (by air, sea or land) to:

- Isolate themselves for a 14-day period; and
- Monitor themselves for signs of COVID-19 until the expiry of the 14-day period and if they develop symptoms to notify public health authorities.

The requirement to self-isolate does not apply to certain individuals (e.g., a member of the Canadian Forces). An individual who is unable to self-isolate is required to go to a federal quarantine facility using transportation means provided by the Public Health Agency of Canada (PHAC).

PHAC Quarantine Officers are responsible for implementing this federal Emergency Order with support from Screening Officers with the Canada Border Services Agency (CBSA). PHAC will take a risk-based approach to enforcement; travelers will be asked questions about their health and symptoms, which they are required to report to a Screening Officer. They will also be asked to acknowledge that they are required, under the *Quarantine Act* (Canada), to isolate themselves for a 14-day period that begins on the day on which they enter Canada.

The risk-based approach includes sorting all inbound international travelers into two categories: (1) asymptomatic travelers; and (2) symptomatic travelers.

- All asymptomatic travelers will be provided with a green coloured hand-out (see Attachment 1) that directs them to self-isolate for 14 days and report any COVID-19 symptoms that develop to local public health authorities. These individuals may use public transportation to get to their destination.
- All symptomatic travelers will also be required to self-isolate and use private means of travel to get to their destination. These travelers will be issued a red coloured hand-out (see Attachment 2) advising them of their obligation.
 - If they are unable to self-isolate (e.g., they need to use public means of transportation, such as a taxi, ride-sharing service, or a subway, to leave the port of entry), then these individuals will be required to use means of transportation provided by PHAC to complete their 14-day isolation in a quarantine facility designated by the Chief Public Health Officer of Canada.

Peace Officer Powers

The use of powers by a peace officer under the *Quarantine Act* (Canada) must be based on a request for assistance from a Quarantine or Screening Officer, or a warrant issued under that Act.

Peace officers may charge an individual under the *Quarantine Act* (Canada) for an offence or take other actions at the request of a Quarantine Officer for the purpose of enforcing the Act, such as detaining a person in their home or transporting a person to a quarantine facility.

There are no administrative monetary penalties a peace officer may issue under the *Quarantine Act* (Canada).

PHAC strongly discourages peace officers from charging individuals under the *Quarantine Act* (Canada) and has indicated it should be a measure of last resort. PHAC encourages peace officers to take a progressive approach to compliance, including by providing educational measures for travelers that supports the public health mandate.

Before charging an individual under the *Quarantine Act* (Canada), the Ministry of the Solicitor General (ministry) advises chiefs of police to encourage policing personnel to seek the advice of a Quarantine Officer.

Based on a request for assistance issued by a Quarantine Officer, a peace officer may also bring an individual to a Quarantine Officer if the officer has reasonable grounds to believe the individual has refused to be isolated or to comply with other disease prevention measures ordered under the *Quarantine Act* (Canada). A Quarantine Officer may detain that individual in a federal quarantine facility.

Offences under *Quarantine Act* (Canada)

Failure to comply with the federal Emergency Order under the *Quarantine Act* (Canada) is an offence. Maximum penalties include a fine of up to \$750,000 and/or imprisonment for six months.

A person who causes a risk of imminent death or serious bodily harm to another person while willfully or recklessly contravening the *Quarantine Act* (Canada) or its regulations could be liable for a fine of up to \$1,000,000 or imprisonment of up to three years, or to both.

Obligations on Police Services

Under the *Quarantine Act* (Canada), a peace officer is required to provide assistance to a Quarantine Officer or Screening Officer for the purpose of administering or enforcing that Act. PHAC does not intend to exercise its power to compel peace officers on a frequent basis. It intends to conduct some spot checks with a select number of symptomatic and asymptomatic travelers (see the Fact Sheet in Attachment 3 for more information). Subject to the need for compliance checks over time, PHAC will seek the support of police services in a small number of cases. In those scenarios, traveler information will be shared with the Ontario Provincial Police (OPP) via the Royal Canadian Mounted Police.

Based on the address of the quarantined individuals, the OPP will provide the information to the police service of jurisdiction (e.g., a First Nation police service or municipal police service). The police service of jurisdiction is expected to follow-up with those individuals to ensure they are adhering to the mandatory quarantine orders.

If an individual is non-compliant, peace officers have several options available under the *Quarantine Act* (Canada). Again, before laying an information against an individual under the *Quarantine Act* (Canada), the ministry encourages peace officers to contact PHAC.

Chiefs of police should institute internal processes to ensure policing personnel seek the necessary guidance from a supervisor in advance of contacting PHAC. Supervisors and appropriate policing personnel (i.e., a peace officer) can call **613-614-4754** between 08:00 EST and 17:00 EST to discuss a situation they have encountered; this line will be answered by a PHAC official involved with compliance verification and enforcement of the Order. If a determination is made that the advice or input of a Quarantine Officer is required, the call will be forwarded by the official.

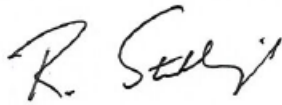
A Quarantine Officer may choose to make an Order against an individual specifically, and ask the peace officer to enforce the Order.

For information on provincial orders please visit the regulations section under e-laws: <https://www.ontario.ca/laws>.

Visit [Ontario.ca/coronavirus](https://www.ontario.ca/coronavirus) to learn more for updates and to learn about how the province continues to protect Ontarians from COVID-19.

Thank you for your continued assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments