

1988 BILL 28

Third Session, 21st Legislature, 37 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 28

POLICE ACT

THE SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 28

1988

POLICE ACT

(Assented to _____, 1988)

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “Board” means the Law Enforcement Appeal Board;
- (b) “Chairman” means the Chairman of the Board;
- (c) “commission” means a police commission established under section 25 or 28;
- (d) “complaint” includes a public complaint;

- (e) “council” means
 - (i) the council of a city, town, village, summer village, county or municipal district;
 - (ii) the board of administrators of a new town;
 - (iii) in the case of a hamlet, the council of the county or municipal district in which the hamlet is situated;
 - (iv) in the case of an improvement district or a special area, the Minister of Municipal Affairs;
- (f) “Director” means the Director of Law Enforcement appointed under section 8;
- (g) “municipal police service” means a police service established under section 27;
- (h) “municipality” means a city, town, new town, village, summer village, county or municipal district;
- (i) “peace officer” means a person employed for the purposes of preserving and maintaining the public peace;
- (j) “police officer” means an individual who
 - (i) is appointed under section 35 as a police officer or a chief of police, or
 - (ii) is a member of the provincial police service;
- (k) “police service” means
 - (i) a regional police service;
 - (ii) a municipal police service;
 - (iii) the provincial police service;
- (l) “policing committee” means a policing committee established under section 23;
- (m) “provincial police service” means the Royal Canadian Mounted Police where an agreement is entered into under section 21(1);
- (n) “public complaint” means a complaint made under Part 5 respecting a police service, police officer or special constable that is made by a person other than
 - (i) a member of a police service,
 - (ii) a commission or a member of a commission,
 - (iii) a policing committee or a member of a policing committee,
 - (iv) a special constable,
 - (v) the Director, or
 - (vi) the Solicitor General;
- (o) “regional police service” means a police service established under section 24;

(p) “special constable” means a person appointed as a special constable under section 41.

**PART 1
ADMINISTRATION**

Responsibility of Ministers **2(1)** The Solicitor General is charged with the administration of this Act.

(2) Notwithstanding anything in this Act, all police services and peace officers shall act under the direction of the Attorney General in respect of matters concerning the administration of justice and the enforcement of those laws that the Government of Alberta is required to enforce.

Responsibility of Government for policing **3** The Government of Alberta is responsible for ensuring that an adequate and effective level of policing is maintained throughout Alberta.

Responsibility for providing policing services **4(1)** As part of providing provincial policing services generally,
(a) every county and municipal district, and
(b) every town, new town, village and summer village that has a population that is not greater than 2500,

shall, subject to subsection (3), receive general policing services provided by the provincial police service at no direct cost to the town, new town, village, summer village, county or municipal district.

(2) Notwithstanding subsection (1), a municipality referred to in subsection (1) may, for the purposes of providing policing services specifically for the municipality, do 1 of the following:

- (a) engage the provincial police service as a municipal police service under section 22(1);
- (b) enter into an agreement for the provision of municipal policing services under section 22(3);
- (c) establish a regional police service under section 24;
- (d) establish a municipal police service under section 27.

(3) Subsection (1) does not apply to a municipality while it is receiving municipal policing services pursuant to subsection (2).

(4) A town, new town, village or summer village that has a population that is greater than 2500 but less than 5000 shall, for the purposes of providing policing services specifically for the municipality, do 1 of the following:

- (a) engage the provincial police service as a municipal police service under section 22(1);
- (b) enter into an agreement for the provision of municipal policing services under section 22(3);
- (c) establish a regional police service under section 24;
- (d) establish a municipal police service under section 27.

(5) A city, town, new town, village or summer village that has a population that is not less than 5000 shall, for the purpose of providing policing services specifically for the municipality, do 1 of the following:

- (a) enter into an agreement for the provision of municipal policing services under section 22(2) or (3);
- (b) establish a regional police service under section 24;
- (c) establish a municipal police service under section 27.

Exceptions

5(1) The Solicitor General may

- (a) exempt any part of Alberta from the operation of all or any provision of this Act, and
- (b) make any arrangements or agreements he considers proper for the policing of that part of Alberta exempted under clause (a).

(2) When a town, new town, village or summer village attains a population that is greater than 2500, that municipality shall assume responsibility for providing its policing services under section 4(4) on April 1 in the 2nd year following the year

- (a) in which it was determined that the municipality had attained a population that is greater than 2500, or
- (b) in the case where an order is made under subsection (3), in which the Solicitor General is satisfied that the population of the municipality will continue to remain in excess of 2500.

(3) Notwithstanding subsection (2), if the Solicitor General is of the opinion that the population of a municipality referred to in subsection (2) will not remain in excess of 2500, he may by order exempt that municipality from the operation of subsection (2) until he is satisfied that the population of the municipality will continue to remain in excess of 2500.

(4) When a town, new town, village or summer village attains a population that is greater than 4999, that municipality shall assume responsibility for providing its policing services under section 4(5) on April 1 in the 2nd year following the year

- (a) in which it was determined that the municipality had attained a population that is greater than 4999, or
- (b) in the case where an order is made under subsection (5), in which the Solicitor General is satisfied that the population of the municipality will continue to remain in excess of 4999.

(5) Notwithstanding subsection (4), if the Solicitor General is of the opinion that the population of a municipality referred to in subsection (4) will not remain in excess of 4999, he may by order exempt that municipality from the operation of subsection (4) until he is satisfied that the population of the municipality will continue to remain in excess of 4999.

Determination
of population

6 For the purposes of this Act the population of a city, town, new town, village or summer village shall be determined in accordance with section 27 of the *Property Tax Reduction Act*.

Hamlets,
improvement
districts and
special areas

- 7** This Act and the regulations apply to
- (a) a hamlet as if it were a village, and
 - (b) an improvement district or special area as if it were a municipal district.

Director of Law
Enforcement

- 8(1)** In accordance with the *Public Service Act* there may be appointed a Director of Law Enforcement.
- (2) The duties of the Director include the following:
- (a) monitoring police services to ensure that adequate and effective policing is maintained both municipally and provincially;
 - (b) developing and promoting crime prevention programs;
 - (c) developing and promoting programs to enhance professional police practices, standards and training;
 - (d) assisting in the co-ordination of policing services;
 - (e) consulting with and advising councils, commissions, policing committees, chiefs of police and employers of special constables on matters relating to police and policing;
 - (f) developing, maintaining and managing programs and statistical records and conducting research studies in respect of offences and enforcement practices.

PART 2

LAW ENFORCEMENT APPEAL BOARD

Law Enforcement
Appeal Board

- 9(1)** The Lieutenant Governor in Council shall establish a board to be known as the "Law Enforcement Appeal Board" composed of not fewer than 3 members appointed by the Lieutenant Governor in Council.
- (2) At least 1 member of the Board shall be a judge of the Court of Appeal or the Court of Queen's Bench.
- (3) A member of the Board shall be appointed for a term of not more than 3 years and is eligible for reappointment.
- (4) Notwithstanding subsection (3), a member of the Board continues to hold office until he is reappointed or his successor is appointed.
- (5) The members of the Board shall be paid
- (a) fees or remuneration as prescribed by the Lieutenant Governor in Council, and
 - (b) expenses as prescribed by the regulations for subsistence and travelling while absent from their ordinary places of residence in the course of their duties as members of the Board.

Board Chairman

- 10(1)** The Lieutenant Governor in Council shall designate one of the members of the Board who is a member of the judiciary as Chairman of the Board.

(2) In the case of illness, absence or other disability of the Chairman, the member in attendance with the longest period of service on the Board shall act in the place of the Chairman.

(3) For the purposes of subsection (2), if 2 or more persons have an equal period of service on the Board, the member in attendance named earliest in the order appointing the members shall act in the place of the Chairman.

Vacancies
on Board

11(1) When any member of the Board

(a) is absent from Alberta, or

(b) in the opinion of the Lieutenant Governor in Council, is by reason of illness or any other cause incapable of performing his duties,

the Lieutenant Governor in Council may by order appoint a person to act in the place of the absent or incapacitated member, on the terms and at the remuneration prescribed by the Lieutenant Governor in Council.

(2) The person appointed under subsection (1) has all the rights and powers of a member of the Board and may, during the period of time for which he is appointed, discharge the duties of a member of the Board.

Signing of
documents

12 An order or other document setting forth a decision, recommendation or direction of the Board may be signed by the Chairman or acting Chairman and shall be admitted in evidence as prima facie proof

(a) that the decision, recommendation or direction is that of the Board, and

(b) that the person signing the order or other document was authorized to do so at the time of the signing,

without proof of the appointment of the person signing as Chairman or acting Chairman or of his signature.

Board secretary

13(1) The Solicitor General may appoint a secretary to the Board, who shall

(a) keep a record of all proceedings conducted before the Board;

(b) have the custody and care of the records and documents of the Board;

(c) act as a registrar of all notices of appeal and complaints received by the Board;

(d) prepare reports required by the Solicitor General or the Chairman of the Board.

(2) A member of the Board may act as secretary in the absence of the secretary.

(3) If the secretary is not an employee of the Government,

(a) the Lieutenant Governor in Council shall prescribe the fees or remuneration to be paid to the secretary, and

(b) the secretary shall be paid expenses as prescribed by regulation for subsistence and travelling while absent from his ordinary place of residence in the course of his duties as the secretary to the Board.

Annual report **14** After the end of each calendar year the Board shall file with the Solicitor General a report showing the number and nature of the appeals and inquiries that it held, summaries of the findings made and any other matter that the Solicitor General directs.

Legal counsel **15** On the request of the Board or the Chairman the Attorney General may appoint a lawyer to assist the Board in respect of an appeal or an inquiry.

Powers of Board **16** The Board and each member of the Board have
(a) all the powers of a commissioner appointed under the *Public Inquiries Act*, and
(b) the powers given to the Board under the regulations.

Jurisdiction of the Board **17(1)** The Board
(a) may, on its own motion, conduct inquiries respecting complaints,
(b) shall conduct appeals or inquiries into matters referred to the Board under section 47, and
(c) shall at the request of the Solicitor General conduct inquiries in respect of any matter respecting policing or police services.

(2) Where a request is made by a commission under section 47(3), the Board may review or inquire into the matter referred to it, advise the commission of its findings and give directions to the commission in respect of the matter.

(3) If the Board is of the opinion that the actions of a police officer who is the subject of an appeal or an inquiry may constitute an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the Board shall refer the matter to the Attorney General.

(4) Notwithstanding that the actions of the police officer have been referred to the Attorney General under subsection (3), if the Board is of the opinion that those actions also constitute a contravention of the regulations governing the discipline or the performance of duty of police officers, the matter, as it relates to that contravention, may be proceeded with by the Board unless the Attorney General directs otherwise.

Appeal to Court of Appeal **18** The decision of the Board in respect of a matter appealed to it under section 47 may,

(a) within 30 days from the day that the Board gives its decision, and

(b) with the leave of the Court of Appeal,

be appealed to the Court of Appeal on a question of law.

Conduct of
Board business

- 19(1)** The Board shall hold meetings as it considers necessary.
- (2) The Board may hold sittings and conduct appeals or inquiries at any place in Alberta.
- (3) The Chairman, or the secretary to the Board at the direction of the Chairman, may
- (a) arrange for matters to be set down before the Board;
 - (b) adjourn matters set down before the Board;
 - (c) perform the administrative functions that are necessary to enable the Board to carry out its duties under this Act.
- (4) For the purposes of conducting an appeal or an inquiry under this Act, a quorum of the Board shall consist of 2 members of the Board.

Matters
governing
hearings,
inquiries and
appeals

- 20(1)** For the purpose of conducting an appeal or an inquiry before the Board the following applies:
- (a) a notice in writing of the time, place and purpose of the appeal or inquiry shall be served on the person who is the subject of the appeal or inquiry at least 10 days before the commencement of the appeal or inquiry;
 - (b) a notice in writing of the time, place and purpose of the appeal or inquiry shall be served at least 10 days before the commencement of the appeal or inquiry on any other person, in addition to the person referred to in clause (a), as the Board directs;
 - (c) the Board has, with respect to the holding of an appeal or an inquiry, the same power as is vested in the Court of Queen's Bench for the trial of civil actions
 - (i) to summon and enforce the attendance of witnesses,
 - (ii) to compel witnesses to give evidence on oath or otherwise, and
 - (iii) to compel witnesses to produce documents, records and things;
 - (d) the Board may require
 - (i) the chief of police in respect of an investigation or a hearing conducted under section 44, or
 - (ii) the person charged with the conduct of an investigation or a hearing under section 44 or 45,to produce to the Board, prior to an appeal or an inquiry, copies of all investigation reports, statements, correspondence or other documents or things relating to the matter;
 - (e) if a person fails to attend, to answer questions or to produce an item as required under clause (c) or (d), the Board may
 - (i) with respect to that person, exercise its power of contempt as provided under the *Public Inquiries Act*, or
 - (ii) where it is unable to exercise the power of contempt referred to in subclause (i), apply to the Court of Queen's Bench

for an order committing that person for contempt in the same manner as if that person were in breach of an order or judgment of that Court;

(f) the Board shall receive any evidence presented to it that is relevant to the matter being heard;

(g) in the case where the Board is conducting an appeal, the Board may

(i) receive new evidence that was not available, or

(ii) refuse to receive new evidence if, in the opinion of the Board, that evidence was available but not presented,

when the matter was initially heard or considered;

(h) the rules of evidence applicable to judicial proceedings do not apply;

(i) all oral evidence received shall be taken down in writing or recorded by electronic means;

(j) all the evidence taken down in writing or recorded by electronic means and all documentary evidence and things received in evidence at an appeal or an inquiry form the record of the proceeding;

(k) the Board may

(i) from time to time adjourn matters that are before the Board, and

(ii) in respect of an appeal, before or after the expiration of the time for service of a notice of appeal, extend the time for service for a further period not exceeding 30 days;

(l) an appeal or an inquiry shall be held in public;

(m) notwithstanding clause (l), an appeal or an inquiry, or any portion of it, may be held in private if in the opinion of the Board it is in the public interest to do so;

(n) a person who is likely to be affected by an appeal or an inquiry is entitled

(i) subject to clause (p), to appear before the Board,

(ii) to make representations to the Board, and

(iii) to be represented by a lawyer or an agent;

(o) a witness, other than one employed for a police service, attending a proceeding before the Board is entitled to the same fees and allowances as a witness summoned to attend at the Provincial Court unless otherwise provided for by a regulation made under this Act;

(p) notwithstanding clause (n), in conducting an appeal the Board may with the consent of the parties to the proceeding decline to hold a hearing in respect of the appeal and base its decision on

(i) the record of the proceeding being appealed from, and

(ii) the written submissions of the parties to the appeal.

- (2) Where the Board concludes an appeal
- (a) in the case of an appeal commenced under section 47 from a matter in respect of which a hearing was held, the Board may
- (i) allow the appeal,
 - (ii) dismiss the appeal,
 - (iii) vary the decision being appealed,
 - (iv) direct that the matter, subject to any directions that the Board may give, be reheard under section 44 or 45, as the case may be,
 - (v) affirm or vary the punishment imposed, or
 - (vi) take any other action that the Board considers proper in the circumstances,
- and
- (b) in the case of an appeal commenced under section 47 from a matter in respect of which a hearing has not been held, the Board may
- (i) affirm the decision made under section 46,
 - (ii) direct that a hearing be conducted under section 44(3) or 45(4), as the case may be,
 - (iii) direct
 - (A) the chief of police, in the case of a complaint made in respect of a police officer, or
 - (B) the commission, in the case of a complaint made in respect of a chief of police,to lay a charge under the regulations governing the discipline or the performance of duty of police officers,
 - (iv) direct
 - (A) the chief of police, in the case of a complaint made in respect of a police officer, or
 - (B) the commission, in the case of a complaint made in respect of the chief of police,to have the matter investigated again, or
 - (v) take any other action that the Board considers proper in the circumstances.
- (3) When the Board conducts an appeal or an inquiry the following shall be informed in writing of the findings of the Board:
- (a) the appellant, in the case of an appeal commenced under section 47(1);
 - (b) the complainant and the police officer against whom the complaint is made, in the case of an appeal commenced under section 47(2);
 - (c) the commission;
 - (d) the Solicitor General.

- (4) If the Board is of the opinion that a party to an appeal or an inquiry has acted in a frivolous or vexatious manner, the Board may
- (a) award costs against that party in an amount considered appropriate by the Board, and
 - (b) direct that the costs referred to in clause (a) be paid
 - (i) to any other party to the appeal or inquiry,
 - (ii) to the Crown in right of Alberta, or
 - (iii) partly to any other party to the appeal or inquiry and partly to the Crown in right of Alberta.

PART 3

POLICE SERVICES AND COMMISSIONS

Provincial
police service

21(1) The Lieutenant Governor in Council may, from time to time, authorize the Solicitor General on behalf of the Government of Alberta to enter into an agreement with the Government of Canada for the Royal Canadian Mounted Police to provide a provincial police service.

(2) When an agreement referred to in subsection (1) is in force, the Royal Canadian Mounted Police are responsible for the policing of all or any part of Alberta as provided for in the agreement.

(3) The Royal Canadian Mounted Police with respect to their duties as the provincial police service shall, subject to the terms of the agreement referred to in subsection (1), be under the general direction of the Solicitor General of Alberta in matters respecting the operations, policies and functions of the provincial police service other than those matters referred to in section 2(2).

Municipal
policing
by another
police service

22(1) The Government of Alberta may enter into an agreement with the council of a municipality referred to in section 4(2) or (4) for the provision of policing services specifically for the municipality by the provincial police service subject to the sharing of costs as determined by the Solicitor General.

(2) Notwithstanding subsection (1), where the Solicitor General considers it necessary he may authorize a municipality that has a population that is greater than 4999 to enter into an agreement with the Government of Alberta for the provision of policing services specifically for the municipality by the provincial police service subject to the sharing of costs as determined by the Solicitor General.

(3) Subject to the prior approval of the Solicitor General, the council of a municipality may enter into an agreement with

- (a) the Government of Canada for the employment of the Royal Canadian Mounted Police, or
- (b) the council of another municipality,

for the provision of policing services to the municipality.

(4) If a municipality with a population not greater than 2500 has entered into a policing agreement under subsection (1), it shall not,

without the prior approval of the Solicitor General, withdraw from or alter the type of policing service that it is receiving.

(5) If a municipality

- (a) has a population that is greater than 2500, and
- (b) has entered into a policing agreement under subsection (1), (2) or (3),

it shall not withdraw from that agreement until it has established a municipal police service or entered into another agreement under this section or an agreement under section 24.

Policing committees

23(1) The council of a municipality that has entered into an agreement under section 22 may by by-law establish a policing committee.

(2) A policing committee shall

- (a) oversee the agreement made under section 22, and
- (b) represent the interests of the council to the police officer in charge of the unit of the police service that is providing the policing services to the municipality.

(3) All persons appointed to a policing committee shall take the oath set out in Schedule 2.

Regional police services

24(1) Subject to the prior approval of the Solicitor General, the councils of 2 or more municipalities may enter into an agreement to be policed by 1 regional police service.

(2) The Government of Alberta may be a party to an agreement referred to in subsection (1) if the region to be policed under the agreement includes an area not contained within the limits of a municipality that is subject to the agreement.

(3) If the council of a municipality has entered into an agreement under this section it shall not withdraw from the agreement without the prior approval of the Solicitor General.

Regional police commissions

25(1) The parties to an agreement entered into under section 24 shall, in accordance with the agreement and subject to the regulations, establish a regional police commission.

(2) The appointment of a member to a regional police commission may be revoked only for cause and in accordance with the agreement entered into under section 24.

(3) All persons appointed to a regional police commission shall take the oath set out in Schedule 1.

Responsibility of a regional police commission

26 A regional police commission shall, on behalf of the parties to an agreement entered into under section 24, establish and maintain an adequate and effective regional police service under the general supervision of the regional police commission.

Municipal police services

27(1) A municipality that has assumed responsibility for establishing a municipal police service under section 4(2)(d), (4)(d) or (5)(c) shall establish and maintain an adequate and effective municipal police service under the general supervision of a municipal police commission.

(2) A municipality maintaining a municipal police service shall not withdraw from providing that service except with the prior approval of the Solicitor General.

28(1) A municipality, other than one that is a party to an agreement entered into under section 22 or 24, that

- (a) has a municipal police service, or
- (b) has the approval of the Solicitor General to establish a municipal police service,

shall establish a municipal police commission.

(2) The council shall, subject to the regulations,

- (a) prescribe the rules governing the operations of the municipal police commission, and
- (b) appoint the members of the municipal police commission.

(3) The municipal police commission shall consist of not fewer than 3 nor more than 12 members.

(4) If

- (a) 4 or fewer members are appointed under subsection (2), 1 of them may be a member of the council or a municipal employee, or
- (b) 5 or more members are appointed under subsection (2), 2 of them may be members of the council or municipal employees.

(5) The council may provide for the payment of reasonable remuneration or of a gratuity or allowance to members of the municipal police commission.

(6) The term of office of a person appointed to a municipal police commission shall be

- (a) 3 years, or
- (b) a term of less than 3 years as may be fixed by by-law.

(7) A member of a municipal police commission may be reappointed as a member of the municipal police commission.

(8) If a person who is a member of a council is a member of the municipal police commission, that person's appointment to the municipal police commission terminates on that person's ceasing to be a member of the council.

(9) The members of the municipal police commission shall at the first meeting of the municipal police commission in each year elect from among their members a chairman and 1 or more vice-chairmen.

(10) The chairman of the municipal police commission must not be a member of the council or a municipal employee.

(11) The appointment of a member to a municipal police commission may be revoked by the council only for cause.

(12) All persons appointed to a municipal police commission shall take the oath set out in Schedule 1.

Police budgets
and plans

29(1) Every commission, in consultation with the chief of police, shall cause to be prepared

- (a) estimates of all money required for the fiscal year to
 - (i) pay the remuneration of the police officers and other persons employed for the police service, and
 - (ii) provide and pay for the maintenance of accommodation, equipment and operating costs of the police service,

and

- (b) a yearly plan specifying the level of police service and programs to be provided in respect of the municipality,

and shall submit those estimates and plans to the council.

(2) In developing a budget, the council may obtain any information from the commission that may be necessary to enable it to assess the efficiency and the financing requirements of the police service.

(3) The council is responsible for establishing the total budget for the purposes of the police service, and the commission is responsible for allocating the funds provided for under the budget.

Solicitor General
intervention

30(1) When, in the opinion of the Solicitor General, a municipality that is responsible for providing and maintaining policing services is not

- (a) providing or maintaining adequate and effective policing services, or
- (b) complying with this Act or the regulations,

the Solicitor General may notify the council of that fact and request the council to take the action he considers necessary to correct the situation.

(2) If the council does not comply with a request made under subsection (1), the Solicitor General may

- (a) appoint police officers for that municipality and prescribe their remuneration,
- (b) request the provincial police service to provide policing services to the municipality on an interim basis, or
- (c) do any other thing necessary to create an adequate and effective police service within the municipality.

(3) Where

- (a) the Solicitor General appoints police officers for a municipality under subsection (2)(a), and
- (b) the municipality has a police service,

the Solicitor General may prescribe that the remuneration of the police officers appointed under subsection (2)(a) be in accordance with any collective agreement that has been entered into in respect of that police service.

Commission's
responsibility

(4) The remuneration of police officers appointed by the Solicitor General under subsection (2) and any other costs incurred under subsection (2) shall be paid by the municipality.

(5) If a municipality is in default of payment under subsection (4), the amount shall be paid by the Government and may be recovered by the Government by deducting the amount from any grant payable to the municipality or by an action in debt.

31(1) Where a commission has been established, the commission shall oversee the police service and for that purpose shall do the following:

- (a) allocate the funds that are provided by the council;
- (b) establish policies providing for efficient and effective policing;
- (c) issue instructions, as necessary, to the chief of police in respect of the policies referred to in clause (b);
- (d) ensure that sufficient persons are employed for the police service for the purposes of carrying out the functions of the police service.

(2) Every police officer

- (a) is, after the establishment of a commission, subject to the jurisdiction of the commission, and
- (b) shall obey the directions of the commission.

(3) Notwithstanding subsections (1) and (2), a commission shall not issue an instruction to a police officer other than to the chief of police.

(4) Where an employee other than a police officer is employed for the police service, the commission may release the employee from the police service subject to the provisions of any collective agreement that applies to that employee.

(5) Where a commission has been established, the council shall not, except as permitted under this Act or the *Police Officers Collective Bargaining Act*,

- (a) perform any function or exercise any power in respect of the police service that the commission is empowered to perform or exercise, or
- (b) issue any instructions to a police officer.

(6) The council is,

- (a) for the purposes of the *Police Officers Collective Bargaining Act*, the employer of police officers, and
- (b) for the purposes of the *Labour Relations Act*, the employer of persons other than police officers,

who are employed for the police service.

(7) The council is liable for any legal liability that is incurred by the commission.

Police officers
serving
outside their
municipality

32(1) The Solicitor General may at any time with the consent of the chairman of a commission of a police service that is established under section 24 or 27 direct a police officer of that police service to serve in any part of Alberta that is outside the boundaries of the area for which the commission is responsible.

(2) The commission shall be reimbursed by the Solicitor General for the remuneration and expenses of any police officer providing services pursuant to a direction made under subsection (1).

PART 4

POLICE OFFICERS AND SPECIAL CONSTABLES

Qualifications re
police officers
and special
constables

33 To be eligible to be appointed as

- (a) a police officer, other than a chief of police, or
- (b) a special constable,

a person must be a Canadian citizen or lawfully admitted to Canada for permanent residence and,

(c) in the case of a police officer, meet the other qualifications specified by the regulations and the commission, or

(d) in the case of a special constable, meet the other qualifications specified by the regulations and the employer of the special constable.

Qualifications re
chiefs of police

34 To be eligible to be appointed as a chief of police of a police service established under section 24 or 27, a person must be a Canadian citizen and meet the other qualifications specified by the regulations and the commission.

Appointment of
chiefs of police
and police
officers

35(1) The commission shall appoint for a police service

- (a) police officers, and
- (b) subject to the ratification of council, the chief of police.

(2) Notwithstanding subsection (1), the commission may delegate the power to appoint police officers other than a chief of police to the chief of police.

(3) Each police officer appointed under this section shall, before commencing his duties, take the oath set out in Schedule 3.

(4) Subject to the regulations, the commission may establish a probationary period of service for a person who is

- (a) appointed to the police service as a police officer, or
- (b) appointed to or promoted to a position or a higher rank within the police service.

Dismissals
and lay-offs of
police officers

36(1) Police officers may, subject to Part 5, be dismissed by the chief of police for disciplinary reasons in accordance with the regulations.

(2) Notwithstanding the provisions of a collective agreement, the commission may terminate the services of a police officer for reasons other than disciplinary reasons.

(3) Where a collective agreement provides a process for terminating the services of a police officer for reasons other than disciplinary reasons, that process shall be used for terminating the services of a police officer under subsection (2).

(4) Sections 44 to 47 do not apply in respect of a police officer released from the police service under subsection (2).

Authority, duties
and jurisdiction
of police officers

37(1) Every police officer is a peace officer and has the authority, responsibility and duty

(a) to perform all duties that are necessary

(i) to carry out his functions as a peace officer,

(ii) to encourage and assist the community in preventing crime,

(iii) to encourage and foster a co-operative relationship between the police service and the members of the community, and

(iv) to apprehend persons who may lawfully be taken into custody,

and

(b) to execute all warrants and perform all related duties and services.

(2) A police officer has jurisdiction throughout Alberta.

(3) Notwithstanding subsection (2), where a commission is established in respect of a police service, the commission may restrict the territorial jurisdiction of any police officer of that police service.

(4) Where the territorial jurisdiction of a police officer is restricted under subsection (3), that police officer may, notwithstanding that restriction, carry out his functions and exercise his powers beyond that jurisdiction if he is in immediate pursuit of a person who he has reasonable and probable grounds to believe has committed an offence against any law that the police officer is empowered to enforce.

Liability re
municipal
police services

38(1) For the purposes of this section, “employee” means any civilian employee or special constable employed for a police service established under section 24 or 27.

(2) The chief of police is liable in respect of a tort committed by a police officer or other employee as a master is liable for a tort committed by his servant in the course of the servant’s employment, if

(a) the police officer or employee was under the direction and control of the chief of police at the time that the tort was committed, and

(b) the tort was committed in the performance or purported performance of the duties of the police officer or employee.

(3) The chief of police shall be treated for all purposes as a joint tortfeasor in respect of a tort referred to in subsection (2).

(4) The chief of police is liable for a tort committed by himself in the performance or purported performance of his duties.

(5) The council, and not the chief of police, shall pay the following in respect of any action brought against the chief of police under this section:

- (a) any damages and costs awarded against the chief of police;
- (b) any costs incurred by the chief of police in respect of the action insofar as those costs are not recovered by him in the action;
- (c) any sum payable under a settlement that is entered into by the council in respect of the action.

(6) Where damages and costs, or either of them, are awarded against a chief of police of a regional police service, each party to the agreement under which the regional police service is established is jointly and severally liable for any damages, costs or settlement referred to in subsection (5).

(7) For the purposes of this section, if the office of the chief of police is vacant, the police officer responsible for the direction and control of the police service shall be considered to be the chief of police.

(8) Where a civil legal action is brought against a police officer arising out of the performance of his duties, the municipality may in respect of that action indemnify the police officer, in whole or in part, for the following:

- (a) any damages and costs or either of them awarded against him;
- (b) any costs incurred and not recovered by him;
- (c) any sum payable under a settlement.

Liability re
other persons

39(1) For the purposes of this section, “employee” means any civilian employee or special constable employed by a municipality to provide services for a police service that is providing policing services to the municipality under an agreement referred to in section 22.

(2) A municipality is liable in respect of a tort committed by an employee as a master is liable for a tort committed by his servant in the course of the servant’s employment if the tort was committed in the performance or purported performance of the duties of the employee.

Duties of
chiefs of police

40(1) The chief of police of a police service established under section 24 or 27 is responsible for the following:

- (a) the preservation and maintenance of the public peace and the prevention of crime within the municipality;
- (b) the maintenance of discipline and the performance of duty within the police service, subject to the regulations governing the discipline and the performance of duty of police officers;
- (c) the day to day administration of the police service;
- (d) the application of professional police procedures;
- (e) the enforcement of policies made by the commission with respect to the police service.

- (2) For the purposes of subsection (1), the chief of police shall issue orders and make directives as he considers necessary.
- (3) The chief of police is accountable to the commission for the following:
- (a) the operation of the police service;
 - (b) the manner in which he carries out his responsibilities under subsection (1);
 - (c) the administration of the finances and operations of the police service in keeping with the yearly plan or any amendments to it that the commission may make;
 - (d) the reporting to the commission of any information concerning the activities of the police service that the commission may request, other than information concerning individual investigations or intelligence files;
 - (e) the reporting to the commission of any complaint made against the police service or its members and the manner in which the complaint is resolved.
- (4) A commission shall not issue an instruction under section 31(1)(c) that is inconsistent with the duties and responsibilities conferred on the chief of police under this section.

Special
constables

- 41(1)** The Solicitor General may
- (a) appoint a person as a special constable, and
 - (b) subject to the regulations, suspend or cancel the appointment of a special constable.
- (2) The appointment of a special constable shall
- (a) be in writing, and
 - (b) specify
 - (i) the authority, responsibility and duties, and
 - (ii) the territorial jurisdiction,
 of the special constable.
- (3) Subject to the regulations, applications for the appointment of persons as special constables shall be made to the Solicitor General.
- (4) The Solicitor General is responsible for
- (a) the discipline of special constables, and
 - (b) ensuring that special constables carry out their authority, responsibility and duties in a proper manner.
- (5) The Solicitor General may delegate his responsibility under subsection (4) to the employer of the special constable.
- (6) The employer of a special constable is liable for the actions of the special constable while the special constable is on duty or otherwise exercising his powers.
- (7) A special constable may be employed by more than 1 employer.

(8) Notwithstanding subsection (7), a special constable shall not be employed by more than 1 employer until the prospective employers have entered into an agreement between themselves, setting out

(a) the terms and conditions under which the special constable

(i) is employed, and

(ii) is to carry out his authority, responsibility and duties,

and

(b) if a delegation is made to the employer under subsection (5), how those responsibilities that are delegated shall be carried out.

(9) A person who is appointed as a special constable is, while carrying out his duties as a special constable, a peace officer.

(10) A special constable, before entering on his duties, shall take the oath set out in Schedule 3.

(11) The Solicitor General may delegate his powers and responsibilities under this section to the Director or to another employee of the Government who is under the administration of the Solicitor General.

PART 5

COMPLAINTS AND DISCIPLINE

Bringing of
complaints

42(1) All complaints with respect to a police service or a police officer, other than the chief of police, shall be referred to the chief of police.

(2) All complaints with respect to the chief of police shall be referred to the chairman of the commission.

(3) A public complaint with respect to a police service or a police officer shall be in writing and signed by the complainant where practicable.

(4) On receipt of a complaint under subsection (1), the chief of police shall determine whether the complaint or a portion of the complaint is a complaint as to

(a) the policies of or the services provided by the police service,
or

(b) the actions of a police officer.

(5) A complaint or that portion of the complaint that is a complaint

(a) as to the policies of or services provided by the police service shall be disposed of in accordance with section 43, and

(b) as to the actions of a police officer shall be disposed of in accordance with sections 44 to 47.

(6) Where the chief of police initiates a complaint with respect to a police officer, he shall deal with it in the same manner as if it were made by another person and referred to him under subsection (1).

43(1) Where a complaint is a complaint as to the policies of or services provided by a police service, the chief of police shall review the matter, and

(a) take whatever action he considers appropriate, if any, or

(b) refer the matter to the commission for it to take whatever action it considers appropriate.

(2) On the disposition of a matter by the chief of police or the commission under subsection (1), the chief of police shall advise the complainant in writing

(a) as to the disposition of the matter in respect of which the complaint was made, and

(b) of the complainant's right to appeal the matter to the commission if he is not satisfied with the disposition of the matter.

(3) Where a complaint is disposed of under subsection (1), the complainant may, within 30 days from the day he was advised of the disposition of the complaint, appeal the disposition of the complaint to the commission.

(4) Where the disposition of a complaint is appealed to the commission under subsection (3), the commission shall

(a) review the matter, and

(b) take whatever action it considers appropriate, if any.

(5) Notwithstanding subsection (4), a commission may appoint a committee consisting of not fewer than 3 members of that commission to conduct appeals made to the commission under subsection (3).

(6) Where a committee of the commission finishes conducting an appeal under this section, it shall make a recommendation to the commission with respect to the disposition of the appeal.

(7) On reviewing the recommendation made under subsection (6) the commission shall take whatever action it considers appropriate, if any.

(8) The commission or, where a committee of the commission is conducting an appeal, the committee, may conduct a hearing into the matter being appealed.

(9) On disposing of an appeal the commission shall advise the complainant in writing as to the disposition of the appeal.

(10) The chief of police shall make a report in writing to the commission of all complaints made as to the policies of or services provided by the police service and his disposition of the complaints.

44(1) Where a complaint is a complaint as to the actions of a police officer other than the chief of police, the chief of police shall cause the complaint to be investigated.

(2) If, after causing the complaint to be investigated, the chief of police is of the opinion that the actions of a police officer may constitute

(a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, he shall refer the matter to the Attorney General, or

(b) a contravention of the regulations governing the discipline or the performance of duty of police officers, he shall cause the matter to be proceeded with under subsection (3).

(3) Where the chief of police is of the opinion that the actions of a police officer constitute a contravention of the regulations governing the discipline or the performance of duty of police officers, he, or a police officer designated by him, shall conduct a hearing into the matter as it relates to that contravention.

(4) Notwithstanding subsection (3), if the chief of police is of the opinion that the contravention of the regulations governing the discipline or the performance of duty of police officers is not of a serious nature, he may, subject to the regulations, dispose of the matter without conducting a hearing.

(5) If

(a) a police officer is the subject of an investigation or hearing, and

(b) in the opinion of the chief of police,

(i) there is not a police officer in his police service who has sufficient rank and experience to, or

(ii) it would be in the public interest to have 1 or more police officers of another police service,

conduct the investigation, present the case or preside at the hearing, or perform any combination of those functions, as the case may be,

the chief of police may request the chairman of the commission to make arrangements for another police service to provide the necessary police officers to carry out those functions.

(6) Where a police officer of another police service carries out any functions pursuant to a request made under subsection (5), that police officer has, for the purposes of carrying out those functions under subsections (1) to (4), the same powers as a chief of police.

Complaints re
chiefs of police

45(1) Where the chairman of a commission receives a complaint as to the actions of the chief of police, the chairman shall refer the complaint to the commission.

(2) If, after reviewing the complaint, the commission is of the opinion that the actions of the chief of police may constitute

(a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, or

(b) a contravention of the regulations governing the discipline or the performance of duty of police officers,

the chairman of the commission shall request the Solicitor General to direct another police service to investigate the complaint.

(3) If the chief of police or the police officer in charge of the police service directed under subsection (2) to carry out the investigation is of the opinion that the actions of the chief of police that are the subject of the investigation constitute

(a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, he shall

(i) refer the matter to the Attorney General, and

(ii) advise the commission of his findings, unless the Attorney General otherwise directs,

or

(b) a contravention of the regulations governing the discipline or the performance of duty of police officers, he shall refer the matter to the commission.

(4) Where a matter is referred to the commission under subsection (3)(b), the commission shall conduct a hearing into the matter as it relates to the contravention of the regulations governing the discipline or the performance of duty of police officers.

(5) Notwithstanding subsection (4), if the commission is of the opinion that the contravention of the regulations governing the discipline or the performance of duty of police officers is not of a serious nature, it may, subject to the regulations, dispose of the matter without conducting a hearing.

(6) The commission may appoint a lawyer to present to the commission the matter that is the subject of the complaint.

Conduct of
hearing

46(1) Where a hearing is proceeded with under section 44(3) or 45(4) the following applies:

(a) a notice in writing of the time, place and purpose of the hearing shall be served on the person who is the subject of the hearing at least 10 days before the commencement of the hearing;

(b) a notice in writing of the time, place and purpose of the hearing shall be served at least 10 days before the commencement of the hearing on any other person, in addition to the person referred to in clause (a), as the person conducting the hearing directs;

(c) the person conducting the hearing has, with respect to the holding of a hearing, the same power as is vested in the Court of Queen's Bench for the trial of civil actions

(i) to summon and enforce the attendance of witnesses,

(ii) to compel witnesses to give evidence on oath or otherwise, and

(iii) to compel witnesses to produce documents, records and things;

(d) if a person fails to attend, to answer questions or to produce an item as required under clause (c), the person conducting the hearing may apply to the Court of Queen's Bench for an order

committing that person for contempt in the same manner as if that person were in breach of an order or judgment of that Court;

(e) the person conducting the hearing shall receive any evidence presented to him that is relevant to the matter being heard;

(f) the rules of evidence applicable to judicial proceedings do not apply;

(g) all oral evidence received shall be taken down in writing or recorded by electronic means;

(h) all the evidence taken down in writing or recorded by electronic means and all documentary evidence and things received in evidence at a hearing form the record of the proceeding;

(i) the person conducting the hearing may from time to time adjourn the hearing;

(j) the person in respect of whom the complaint is made is entitled

(i) to appear before the person conducting the hearing,

(ii) to make representations to the person conducting the hearing, and

(iii) to be represented by a lawyer or an agent;

(k) a witness, other than one employed for a police service, attending a hearing is entitled to the same fees and allowances as a witness summoned to attend at the Provincial Court unless otherwise provided for by a regulation made under this Act.

(2) Notwithstanding that the actions of a police officer have been referred to the Attorney General under section 44(2)(a) or 45(3)(a), if the person who referred the matter to the Attorney General is of the opinion that those actions also constitute a contravention of the regulations governing the discipline or the performance of duty of police officers, the matter as it relates to that contravention shall be proceeded with under section 44(3) or 45(4), as the case may be, unless the Attorney General otherwise directs.

(3) Notwithstanding section 44(3) or 45(4), where a matter that is referred to the Attorney General under section 44(2)(a) or 45(3)(a) is also to be proceeded with under section 44(3) or 45(4), the hearing of the matter under section 44(3) or 45(4) may be deferred until the proceedings respecting the offence are concluded.

(4) On considering a matter that is the subject of a complaint,

(a) the chief of police or his designate, in the case of a complaint under section 44, or

(b) the commission, in the case of a complaint under section 45,

may dismiss the matter or, subject to the regulations, take any action against the person in respect of whom the complaint is made that

(c) the chief of police or his designate, in the case of a complaint under section 44, or

(d) the commission, in the case of a complaint under section 45,

considers proper in the circumstances.

(5) On making a decision after considering the matter in respect of which a public complaint is made,

(a) the chief of police, in the case of a complaint under section 44, or

(b) the commission, in the case of a complaint under section 45,

shall in writing advise the person against whom the complaint is made and the complainant,

(c) where a hearing is held, of the findings of the hearing and any action taken under subsection (4),

(d) where a hearing is not held, of the disposition of the complaint and the grounds on which the disposition was made, and

(e) of the right of appeal provided for under this Act.

Appeals to
the Board

47(1) Where a chief of police or another police officer in respect of whom a complaint is made feels himself aggrieved by the findings or any action taken against him under section 46(4), he may, within 30 days from the day he was advised under section 46(5) of the findings and any action taken, appeal the matter to the Board by filing with the secretary to the Board a written notice of appeal setting out the grounds on which the appeal is based.

(2) If a public complaint has been made, the complainant may, within 30 days from the day he was advised under section 46(5) of the determination of the complaint, appeal the matter to the Board by filing with the secretary to the Board a written notice of appeal setting out the grounds on which the appeal is based.

(3) If the commission, with respect to a matter of discipline, is not satisfied with

(a) the manner in which a complaint is handled, or

(b) the disposition of a complaint,

the commission may request the Board to inquire into the matter.

Complaints
re RCMP

48 Notwithstanding sections 42 to 47, complaints in Alberta with respect to members of the Royal Canadian Mounted Police shall

(a) be in writing and signed by the complainant where practicable,

(b) be sent to the Commanding Officer responsible for the Royal Canadian Mounted Police in Alberta, and

(c) subject to any agreement entered into between the Government of Canada and the Government of Alberta or a municipality, as the case may be, be resolved in accordance with the laws governing discipline within the Royal Canadian Mounted Police.

Complaints re
special constables

49(1) All complaints with respect to a special constable shall be in writing and sent

(a) to the employer of the special constable if a delegation has been made to the employer under section 41(5), or

(b) to the Director if a delegation has not been made under section 41(5).

(2) Notwithstanding subsection (1)(b), if

(a) a delegation has not been made under section 41(5) to an employer of a special constable, and

(b) a complaint with respect to a special constable is made to the employer,

the employer shall forthwith forward that complaint to the Director.

Use of evidence **50** Where a police officer or special constable gives evidence during

(a) a hearing under this Act, or

(b) an appeal under this Act arising out of a hearing referred to in clause (a),

that evidence, if it tends to incriminate him, subject him to punishment or establish his liability, shall not be used or received against him in any civil proceeding or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

Report of complaints

51 If a complaint is made,

(a) the commission, in the case of a complaint referred to in section 43, 44 or 45,

(b) the Commanding Officer, in the case of a complaint referred to in section 48, and

(c) the employer, in the case of a complaint referred to in section 49(1)(a),

shall, at the end of the month in which the complaint is made or within a longer period of time as prescribed by the Director, advise the Director of the complaint and, after the disposition of the complaint, advise the Director as to how the complaint was disposed of.

PART 6 GENERAL

Lock-ups

52(1) A municipality that

(a) has established a police service under section 27, or

(b) receives policing services under an agreement made pursuant to section 22,

shall make provision for an adequate lock-up facility.

(2) If a municipality maintains a lock-up facility under subsection (1), that lock-up facility shall be under the direction and control of the police service.

(3) If a special constable or a person employed by a municipality to enforce by-laws requires the use of a lock-up facility, he shall use the lock-up facility operated by a police service.

(4) Where a regional police service is established, the agreement entered into under section 24 shall include provision for a lock-up facility to meet the needs of each of the participating municipalities.

Impersonating a police officer

53(1) No person shall, unless he is appointed as a police officer under this Act or pursuant to an Act of the Parliament of Canada,

(a) hold himself out as 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 Solicitor General or his 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 Solicitor General or his designate may, by order in writing served on that person or organization, require the person or organization to desist from the use of that uniform or insignia or those markings, signs or symbols.

Uniforms and insignia

54 A member of a municipal police service or a regional police service shall wear only the uniform and insignia approved by the commission.

Application to Court

55(1) Whether or not a person is prosecuted under this Act, if the Solicitor General or his designate is of the opinion that a person is or was contravening section 53(1) or an order made under section 53(2), the Solicitor General or his designate may apply to the Court of Queen’s Bench for an order directing that person to cease and desist from contravening section 53(1) or the order made under section 53(2), as the case may be.

(2) An application under this section shall be by way of an originating notice.

(3) On the filing of an originating notice with the clerk of the Court, the Court may, if it considers it necessary in the circumstances, make an interim order granting any relief that the Court considers appropriate pending the determination of the application.

(4) An interim order under subsection (3) may be made ex parte if the Court considers it appropriate in the circumstances.

(5) On hearing an application the Court may, if it is of the opinion that the person is or was contravening section 53(1) or an order made under section 53(2), grant an order, subject to any terms and condi-

tions the Court considers appropriate in the circumstances, doing 1 or more of the following:

- (a) directing the person to cease and desist from contravening section 53(1) or the order made under section 53(2), as the case may be;
- (b) giving directions that the Court considers necessary in order to ensure that section 53(1) or an order made under section 53(2), as the case may be, will be complied with;
- (c) awarding costs in respect of the matter.

General penalty **56** Any person who contravenes section 53(1) or fails to comply with an order made under section 53(2) is guilty of an offence and liable to a fine not greater than \$10 000 or to a term of imprisonment not exceeding 6 months or to both a fine and imprisonment.

Service of documents **57** In addition to any method of service permitted by law, any notice or document respecting matters coming under this Act may be served

- (a) by personal service, or
- (b) by registered mail sent
 - (i) to the Chairman of or secretary to the Board, in the case of a notice or document sent to the Board, or
 - (ii) to the latest address of the person on whom the notice or document is to be served as shown on the records of the person issuing the notice or document, in a case other than that referred to in subclause (i).

By-laws and resolutions **58(1)** For the purposes of this Act a council, other than the Minister of Municipal Affairs, may exercise and perform its powers and duties under this Act by by-law.

(2) Notwithstanding subsection (1), a council may exercise its powers under section 28(2)(b) by resolution.

Police Officers Collective Bargaining Act **59** None of the matters referred to in sections 16, 20, 31, 36(1), 40 and 42 to 47 shall be the subject of a collective agreement referred to in the *Police Officers Collective Bargaining Act*.

Lieutenant Governor in Council regulations **60(1)** The Lieutenant Governor in Council may make regulations

- (a) prescribing rates of fees, remuneration and subsistence and travel allowances payable under this Act or the regulations;
- (b) prescribing rates of fees and expenses payable to witnesses attending a proceeding under this Act;
- (c) governing, subject to this Act, the responsibility and duties of police commissions and municipal policing committees;
- (d) governing, subject to this Act, the establishment and operation of police services;
- (e) governing probationary periods of service for police officers, chiefs of police, special constables and civilian employees of a police service;

(f) governing, subject to this Act, the appointment, employment, qualifications, training, duties, discipline and performance of duty of police officers and special constables;

(g) governing investigations of police officers and special constables;

(h) governing, subject to this Act, action that may be taken against police officers and special constables;

(i) governing appeals of special constables from action taken against them under section 41;

(j) governing, subject to this Act,

(i) regional police services, and

(ii) policing services provided pursuant to an agreement made under section 22(3);

(k) governing lock-up facilities;

(l) subject to section 16(a), governing the powers of the Board.

(2) A regulation made under this section may be general or specific in its application.

(3) Subsection (1)(e) to (h) do not apply to the Royal Canadian Mounted Police.

Solicitor General
regulations

61(1) The Solicitor General may make regulations

(a) governing for the purposes of section 22 the sharing of costs of provincial policing services;

(b) prescribing colour and style of uniforms, accoutrements and insignia for police officers and special constables;

(c) governing clothing and equipment furnished to or used by police officers and special constables;

(d) governing firearms with respect to police officers and special constables;

(e) prescribing the information and statistical data to be kept and reported to the Solicitor General by commissions, policing committees, police services and employers of special constables.

(2) Where the Solicitor General enters into an arrangement or an agreement referred to in section 5(1), he may make regulations

(a) exempting the arrangement or the agreement from any provision of this Act or the regulations;

(b) exempting policing services that are provided under the arrangement or the agreement from any provision of this Act or the regulations;

(c) modifying any provision of this Act or the regulations for the purposes of applying the provision to

(i) the arrangement or the agreement, or

(ii) the policing services provided under the arrangement or the agreement;

- (d) governing any matter not referred to in clauses (a) to (c) respecting
 - (i) the arrangement or the agreement, or
 - (ii) the policing services provided under the arrangement or the agreement.

(3) A regulation made under this section may be general or specific in its application.

Transitional

62(1) *In this section, “former Act” means the Police Act, chapter P-12 of the Revised Statutes of Alberta 1980.*

(2) Any person who, immediately before the coming into force of this Act, was

(a) a member of the Law Enforcement Appeal Board under the former Act continues for his term of office as a member of the Law Enforcement Appeal Board under this Act,

(b) the Chairman of the Law Enforcement Appeal Board under the former Act continues for his term of office as Chairman of the Law Enforcement Appeal Board under this Act,

(c) a member of a commission under the former Act continues for his term of office as a member of the commission under this Act,

(d) the chairman of a commission under the former Act continues for his term of office as the chairman of the commission under this Act,

(e) a police officer in a municipal police force under the former Act continues as a police officer in the municipal police service under this Act,

(f) a peace officer in a municipal police force under the former Act continues as a peace officer in the municipal police service under this Act,

(g) a chief of police of a municipal police force under the former Act continues as the chief of police of the municipal police service under this Act,

(h) a special constable under the former Act continues as a special constable under this Act and his appointment as a special constable terminates 1 year from the date of the coming into force of this Act unless sooner terminated under section 41(1)(b).

(3) Any action respecting a complaint against or the discipline of a police officer or a chief of police that was commenced under the former Act but not completed before the commencement of this Act shall be dealt with and determined under the former Act as if that Act had not been repealed.

Consequential

63(1) *In the following provisions, “force” is struck out wherever it occurs and “service” is substituted:*

Act	Section No.
Amusements Act	1(e)(ii);
Animal Protection Act	1(e);
Child Welfare Act	1(1)(n) and 91(2)(d);

Employment Standards Act	2(2)(c);
Fatality Inquiries Act	9(1) and 18;
Highway Traffic Act	1(o.1)(ii), 68.1(3)(c) and 121(4)(a) and (5)(a);
Innkeepers Act	1(b.1);
Jury Act	4(k)(i);
Labour Relations Act	2(2)(d);
Municipal Government Act	140(1)(b);
Occupational Health and Safety Act	1(i.1);
Off-highway Vehicle Act	1(1)(o);
Pari Mutuel Tax Act	1(c)(ii);
Private Investigators and Security Guards Act	2(a) and 17(b);
Railway Act	190(1).

(2) *The Interpretation Act is amended in section 25(1)*

(a) *by adding the following after clause (m.1):*

(m.2) “municipal police service” means a municipal police service or a regional police service under the *Police Act*;

(b) *by repealing clause (o.1);*

(c) *by adding the following after clause (p.1):*

(p.2) “police officer” means a member of a police service and includes a member of the Royal Canadian Mounted Police;

(p.3) “police service” means a police service under the *Police Act*;

(3) *The Motor Vehicle Administration Act is amended*

(a) *in the following provisions by striking out “force” wherever it occurs and substituting “service”:*

section 1(q)(ii);
section 77(1)(b);
section 96(4)(a) and (5)(a);

(b) *in section 83(1) by striking out “authority” wherever it occurs and substituting “service”;*

(c) *in section 86 by striking out “department” and substituting “service”.*

(4) *The Police Officers Collective Bargaining Act is amended*

(a) *in section 1(c), (h), (k) and (l) by striking out “force” wherever it occurs and substituting “service”;*

(b) *in section 21 by repealing clause (a) and substituting the following:*

(a) *If a difference arises between the parties to or persons bound by this collective agreement*

(i) *as to the interpretation, application, operation or contravention or alleged contravention of this agreement, other than a difference concerning a matter to which the Police Act or the regulations under that Act apply,*

(ii) notwithstanding subclause (i), with respect to the termination of the services of a police officer for reasons other than disciplinary reasons, or

(iii) as to whether the difference can be the subject of arbitration,

the parties agree to meet and endeavour to resolve the difference.

(c) in section 45 by striking out “If” and substituting “Subject to section 59 of the *Police Act*, if”.

(5) *The Special Forces Pension Plan Act* is amended

(a) in the following provisions by striking out “police force” wherever it occurs and substituting “police service”:

section 1(1)(e)(ii);
section 11(1)(a);
section 29(5);

(b) in section 1(1)(o)

(i) by striking out “police force” and substituting “police service”;

(ii) by striking out “or auxiliary constable”.

(6) *The Vital Statistics Act* is amended in section 26(3) by striking out “Municipal Police Force” and substituting “municipal police service”.

(7) Any reference to a municipal police force in any order, regulation or statute is deemed to be also a reference to a municipal police service.

Repeal **64** *The Police Act, chapter P-12 of the Revised Statutes of Alberta 1980, is repealed.*

Commencement **65** *This Act comes into force on Proclamation.*

**SCHEDULE 2
OATH OF OFFICE
(MEMBERS OF POLICING COMMITTEES)**

I,, swear that I will diligently, faithfully and to the best of my ability execute according to law the office of a member of the Policing Committee and will not, except in the discharge of my duties, disclose to any person any matter or evidence brought before me as a member of the Policing Committee, so help me God.

Sworn before me in the)
.....)
of)
in the Province of Alberta) Signature
this)
day of)
.....)
A Commissioner for Oaths in and
for the Province of Alberta

SCHEDULE 3
OATH OF ALLEGIANCE AND OFFICE
(POLICE OFFICERS AND OTHER PEACE OFFICERS)

I,, swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law, in the office of for the of and that I will diligently, faithfully and to the best of my ability execute according to law the office of, and will not, except in the discharge of my duties, disclose to any person any matter or evidence that may come to my notice through my tenure in this office, so help me God.

Sworn before me in the)
.....)
of)
in the Province of Alberta) Signature
this)
day of)
.....)
.....)
A Commissioner for Oaths in and
for the Province of Alberta