

BILL 36

2005

POLICE AMENDMENT ACT, 2005

(Assented to _____, 2005)

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

Amends RSA 2000 cP-17

1 The *Police Act* is amended by this Act.

2 Section 1 is amended

- (a) in clause (e)(i) by adding “, specialized municipality” after “summer village”;**
- (b) in clause (i) by adding “, specialized municipality” after “summer village”;**
- (c) by repealing clause (k)(ii) and substituting the following:**
 - (ii) is a member of the Royal Canadian Mounted Police,
 - (ii.1) is appointed under section 5 as a police officer, or
- (d) in clause (l) by adding the following after subclause (iii):**
 - (iv) a police service established under an agreement made pursuant to section 5;

3 Section 2(2) is amended by striking out “and the enforcement of those laws that the Government of Alberta is required to enforce”.

4 Section 3 is amended by striking out “an adequate and effective level of” **and substituting** “adequate and effective”.

5 The following is added after section 3:

Minister’s responsibility for policing standards

3.1 The Minister may, subject to the regulations,

- (a) establish standards for policing, and
- (b) ensure that standards are met.

6 Section 4 is amended

(a) **in subsection (1)(a) by adding** “and, subject to subsection (6), a specialized municipality” **after** “and Metis settlement”;

(b) **in subsection (1)(b) by striking out** “2500” **and substituting** “5000”;

(c) **by repealing subsection (4);**

(d) **in subsection (5) by striking out** “not less than 5000” **and substituting** “greater than 5000”;

(e) **by adding the following after subsection (5):**

(6) A specialized municipality is responsible for the policing of an urban service area with a population greater than 5000 within that specialized municipality in accordance with subsection (5).

7 Section 5 is amended

- (a) in subsection (1)(b) by adding “, including appointing police officers” after “under clause (a)”;**
- (b) by repealing subsections (2) and (3);**
- (c) in subsections (4) and (5) by striking out “4999” wherever it occurs and substituting “5000”.**

8 Section 8 is amended

- (a) in subsection (1) by striking out “may” and substituting “shall”;**
- (b) in subsection (2)**
 - (i) by adding the following after clause (a):**
 - (a.1) monitoring the handling by chiefs of police and commissions of public complaints;
 - (ii) in clause (b) by adding “and restorative justice” after “prevention”;**
 - (iii) by repealing clause (c) and substituting the following:**
 - (c) developing and promoting programs to enhance professional practices, standards and training for police services, commissions and policing committees;

9 Section 17(1) is amended by adding the following after clause (a):

- (a.1) shall conduct reviews of decisions of a commission referred to the Board under section 43(12)(b)(i);

10 Section 20 is amended by adding the following after subsection (1):

(1.1) On an application for review under section 43(12)(b)(i) of a decision of a commission, the Board shall without a hearing review the record of the proceedings under section 43(8), (9) or (10) and the reasons for the commission's decision and may

- (a) affirm the decision of the commission, or
- (b) refer the complaint back to the commission or the chief with directions that the complaint be dealt with in accordance with Part 5.

11 Section 22 is amended

- (a) in subsection (1) by striking out “4(2) or (4)” and substituting “4(2)”;**
- (b) in subsection (2) by striking out “4999” and substituting “5000”;**
- (c) in subsection (4)**
 - (i) by striking out “with a population not greater than 2500”;**
 - (ii) by adding “(2) or (3),” after “subsection (1),”;**
- (d) by repealing subsection (5).**

12 Section 23 is repealed and the following is substituted:

Policing committees

23(1) In this section, “officer in charge” means the officer in charge of the unit of the police service that is providing policing services to a municipality under section 22.

(2) A council that has entered into an agreement under section 22 may establish a policing committee.

(3) A council that establishes a policing committee shall, subject to the regulations,

- (a) prescribe the rules governing the operation of the policing committee, and
 - (b) appoint the members of the policing committee.
- (4)** A policing committee shall consist of not fewer than 3 nor more than 12 members.
- (5)** If
- (a) 4 or fewer members are appointed under subsection (3), one of them may be a member of the council or an employee of the municipality, or
 - (b) 5 or more members are appointed under subsection (3), 2 of them may be members of the council or employees of the municipality.
- (6)** The council may provide for the payment of reasonable remuneration or of a gratuity or allowance to members of the policing committee.
- (7)** The term of office of a person appointed to a policing committee is
- (a) 3 years, or
 - (b) a term of less than 3 years, but not less than 2 years, as may be fixed by bylaw.
- (8)** Notwithstanding subsection (7), a majority of the members appointed to a newly established policing committee shall be appointed for 3 years, and the remaining members shall be appointed for 2 years.
- (9)** The members of a policing committee shall, at the first meeting of the policing committee in each year, elect from among their members a chair and one or more vice-chairs.
- (10)** A member who is a member of the council or an employee of the municipality is not eligible to be elected as chair or vice-chair of the committee.

(11) A member of a policing committee is eligible for reappointment if the reappointment does not result in more than 6 consecutive years of service by that member.

(12) If a person who is a member of a council is a member of the policing committee, that person's appointment to the policing committee terminates on that person's ceasing to be a member of the council.

(13) The appointment of a member to the policing committee may not be revoked by the council except for cause.

(14) A policing committee shall, with respect to the municipality for which it is established,

- (a) oversee the administration of the agreement made under section 22,
- (b) assist in selecting the officer in charge,
- (c) represent the interests of the council to the officer in charge,
- (d) in consultation with the officer in charge, develop a yearly plan of priorities and strategies for municipal policing,
- (e) issue instructions to the officer in charge respecting the implementation and operation of the yearly plan,
- (f) represent the interests and concerns of the public to the officer in charge,
- (g) assist the officer in charge in resolving public complaints, and
- (h) appoint a Public Complaint Director.

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

13 Section 27(1) is amended by striking out “, (4)(d)”.

14 Section 28 is repealed and the following is substituted:

Commissions

28(1) A council, other than one that is 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 Minister to establish a municipal police service,

shall establish a police commission.

(2) A council that has established a commission shall, subject to the regulations,

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

(3) A 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), one of them may be a member of the council or an employee of the municipality, or
- (b) 5 or more members are appointed under subsection (2), 2 of them may be members of the council or employees of the municipality.

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

(6) The term of office of a person appointed to a commission is

- (a) 3 years, or
- (b) a term of less than 3 years, but not less than 2 years, as may be fixed by bylaw.

(7) Notwithstanding subsection (6), a majority of the members appointed to a newly established commission shall be appointed for 3 years, and the remaining members shall be appointed for 2 years.

(8) A member of a commission is eligible for reappointment if the reappointment does not result in more than 6 consecutive years of service by that member.

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

(10) The members of the commission shall, at the first meeting of the commission in each year, elect from among their members a chair and one or more vice-chairs.

(11) A member who is a member of the council or an employee of the municipality is not eligible to be elected as chair or vice-chair of the commission.

(12) The appointment of a member to a commission may not be revoked by the council except for cause.

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

15 The following is added after section 28:

Public Complaint Director

28.1(1) Each commission and policing committee shall designate a person as a Public Complaint Director.

(2) The Public Complaint Director may be

- (a) a member of the commission or policing committee other than a member of the council,
- (b) an employee of the commission or policing committee,
- (c) an employee of the municipality, or

- (d) another person, other than a member of the council, who in the opinion of the commission or policing committee is qualified to serve in that capacity.

(3) The Public Complaint Director shall

- (a) receive complaints against police officers from the public and refer them to the chief of police under section 43(1),
- (b) provide liaison between the commission or policing committee and the chief, and
- (c) perform the duties assigned by the commission or policing committee in regard to public complaints.

16 Section 36(1) is repealed and the following is substituted:

Appointments of chiefs of police and police officers

36(1) The commission shall, for a police service,

- (a) appoint the chief of police, subject to subsection (1.1), and
- (b) appoint police officers.

(1.1) The initial appointment of any individual as chief of police must be ratified by council.

17 Section 41(3)(e) is amended by adding “, the progress of any investigation or informal resolution process regarding the complaint, the reasons for any delays” after “members”.

18 Section 43 is amended by adding the following after subsection (6):

(7) If, at any time before or during an investigation into a complaint under subsection (1), it appears to the chief of police that the complaint is clearly frivolous, vexatious or made in bad faith, the chief may recommend in writing to the commission that the complaint be dismissed.

(8) On consideration of the recommendation of the chief of police under subsection (7), and after reviewing the written complaint and making any inquiries the commission considers necessary, the commission may dismiss the complaint or direct the chief to deal with the complaint in accordance with this Part.

(9) If, at any time before or during an investigation into a complaint under subsection (2) or section 46(1), it appears to the commission that the complaint is clearly frivolous, vexatious or made in bad faith, the commission may dismiss the complaint.

(10) Where a complaint is referred to the commission under section 44(1) and it appears to the commission at any time that the complaint is clearly frivolous, vexatious or made in bad faith, the commission may dismiss the complaint.

(11) The chief of police, with respect to a complaint under subsection (1), or the commission, with respect to a complaint under subsection (2) or section 46(1), shall dismiss any complaint that is made more than one year after the events on which it is based occurred.

(12) If the commission decides under subsection (8), (9) or (10) to dismiss a complaint, the commission shall notify the

complainant and the police officer who is the subject of the complaint, if any, in writing of

- (a) the decision and the reasons for the decision, and
- (b) the right of the complainant, within 30 days of receiving the notice, to request
 - (i) the Board, with regard to a complaint or portion of a complaint as to the actions of a police officer or a chief of police, or
 - (ii) the commission, with regard to a complaint or portion of a complaint as to the policies of or services provided by a police service,

to review the decision.

(13) If the chief of police or the commission dismisses a complaint under subsection (11), the commission shall notify the

complainant and the police officer who is the subject of the complaint, if any, of the decision in writing.

(14) A request by a complainant under subsection (12)(b) for review of a decision of the commission must be in writing and set out the complainant's reasons for requesting the review.

19 The following is added after section 43:

Informal resolution of complaint

43.1(1) At any time before or during an investigation into a complaint with respect to the actions of a police officer other than the chief of police, if the complainant and the police officer who is the subject of the complaint consent, the chief may attempt to resolve the complaint informally.

(2) At any time before or during an investigation into a complaint with respect to the actions of a chief of police, if the complainant and the chief consent, the chair of the commission may attempt to resolve the complaint informally.

20 Section 44 is amended by adding the following after subsection (10):

(11) The chief of police, in the case of a complaint under this section, must advise the complainant in writing at least once every 45 days as to the status of the complaint.

(12) A copy of the document sent to the complainant under subsection (11) must be provided to the commission.

21 Section 45 is amended

(a) by adding the following before subsection (1):

Complaints re police officers

45(0.1) For the purposes of this section and sections 46 and 46.1, "police service" includes the Royal Canadian Mounted Police and a regional, provincial or municipal police service established under an enactment of another province or territory.

(b) in subsection (1) by adding “subject to sections 43 and 43.1,” **after** “chief of police,”;

(c) by repealing subsection (5) and substituting the following:

(5) If a police officer is the subject of an investigation or hearing, the chief of police or the commission may request the chair of the commission to make arrangements for another police service to provide the necessary police officers to conduct the investigation, present the case or preside at the hearing, or perform any combination of those functions, as the case may be, if in the opinion of the chief of police or of the commission,

(a) there is not a police officer in the chief’s police service who has sufficient rank and experience to carry out the functions, or

(b) it would be in the public interest to have one or more police officers of another police service carry out the functions.

(d) in subsection (6) by striking out “a request made under subsection (5)” **and substituting** “arrangements made by the chair of the commission under subsection (5)”;

(e) by adding the following after subsection (6):

(7) If a complaint is being investigated under this section, the chief of police must advise the complainant in writing at least once every 45 days as to the progress of the investigation.

(8) A copy of the document sent to the complainant under subsection (7) must be provided to the commission.

22 Section 46 is amended

(a) in subsection (1) by adding “subject to sections 43 and 43.1,” **after** “chief of police,”;

(b) in subsection (2) by adding “request or” **before** “direct”;

(c) by adding the following after subsection (2):

(2.1) If the Minister receives a request from the chair of the commission under subsection (2), the Minister may request or direct that another police service investigate the complaint.

(2.2) Where a chief of police or a police officer of another police service carries out an investigation pursuant to a request or direction made under subsection (2.1), that chief or police officer has, for the purposes of carrying out the investigation, the same powers as a chief of police.

(d) in subsection (3) by striking out “directed under subsection (2)” **and substituting** “requested or directed under subsection (2.1)”;

(e) by adding the following after subsection (6):

(7) If a complaint is being investigated under this section, the chair of the commission must advise the complainant in writing at least once every 45 days as to the progress of the investigation.

(8) A copy of the document sent to the complainant under subsection (7) must be provided to the Minister.

23 The following is added after section 46:

Serious incidents and complaints

46.1(1) The chief of police shall as soon as practicable notify the commission and the Minister where

- (a) an incident occurs involving serious injury to or the death of any person that may have resulted from the actions of a police officer, or
- (b) a complaint is made alleging that
 - (i) serious injury to or the death of any person may have resulted from the actions of a police officer, or
 - (ii) there is any matter of a serious or sensitive nature related to the actions of a police officer.

(2) The Minister, when notified under subsection (1) of an incident or complaint or on the Minister's own initiative where the Minister becomes aware of an incident or complaint described in subsection (1), may do any one or more of the following:

- (a) request or direct that another police service provide a police officer to assist and advise the police service investigating the incident or complaint;
- (b) request or direct another police service to conduct an investigation into the incident or complaint, which may include taking over an ongoing investigation at any stage;
- (c) appoint one or more members of the public as overseers to observe, monitor or review an investigation to ensure the integrity of the process of the investigation.

(3) A chief of police or police officer acting under subsection (2)(a) or (b) or a person appointed under subsection (2)(c) shall report as required to the Minister.

(4) If the chief of police or police officer in charge of the police service conducting an investigation under subsection (2)(b) is of the opinion that the actions of the police officer that are the subject of the investigation constitute

- (a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the chief or police officer shall
 - (i) refer the matter to the Minister of Justice and Attorney General, and
 - (ii) advise the commission and the chief of police of the police service under investigation of the chief's or police officer's findings, unless the Minister of Justice and Attorney General otherwise directs,
- (b) a contravention of the regulations governing the discipline or performance of duty of police officers, the chief or police officer shall refer the matter to the chief of the police service under investigation where it

concerns the actions of a police officer, or to the commission where it concerns the actions of the chief of police, to be dealt with in accordance with this Part,

(c) a matter of the policies of or services provided by the police service under investigation, the chief or police officer shall refer the matter to the commission.

(5) The Minister may authorize and provide for the payment of remuneration and expenses to a person appointed under subsection (2)(c).

(6) A chief of police or police officer of another police service who is assisting with an investigation under subsection (2)(a) or conducting an investigation under subsection (2)(b) has, for the purposes of assisting with or conducting that investigation, the same powers and duties as a chief of police.

(7) A chief of police or police officer of another police service referred to in subsection (6) must advise a complainant, if any, in writing at least once every 45 days as to the status of the complaint.

(8) A copy of the document sent to a complainant under subsection (7) must be provided to the commission.

(9) Where a chief of police or police officer of another police service carries out any functions pursuant to a request or direction made under subsection (2), that police officer may also be requested to present the case or preside at the hearing of the complaint, and if so requested, that police officer has, for

the purpose of carrying out those additional functions, the same powers as a chief of police.

(10) The Minister may delegate in writing the Minister's powers, functions and responsibilities under this section to the Director of Law Enforcement.

24 Section 51 is amended by adding “or an explanatory report made to an investigator on a voluntary basis by a police officer in respect of whom an investigation is being carried out,” **after** “that evidence,”.

25 Section 52 is amended

- (a) **in clause (a) by striking out “or 46” and substituting “, 46 or 46.1”;**
- (b) **by striking out “Chair of the Board” and substituting “Director of Law Enforcement”;**
- (c) **by striking out “advise the Chair” wherever it occurs and substituting “advise the Director”.**

26 Section 62(1) is amended

- (a) **in clause (e)**
 - (i) **by striking out “Chair of the Board” and substituting “Director of Law Enforcement”;**
 - (ii) **by striking out “by the Chair” and substituting “by the Director”;**
- (b) **by adding the following after clause (f):**
 - (g) governing the establishment of standards for policing.

27 The *Fatality Inquiries Act* is amended in sections 9(1) and 17 by striking out “municipal”.

28 The *Interpretation Act* is amended in section 28(1) by repealing clause (qq) and substituting the following:

- (qq) “police officer” means a police officer as defined in the *Police Act*;

29 The *Private Investigators and Security Guards Act* is amended in section 2(a) by striking out “municipal”.

30 The *Protection of Children Involved in Prostitution Act* is amended in section 1(1) by repealing clause (f) and substituting the following:

- (f) “police officer” means a police officer as defined in the *Police Act*;

Explanatory Notes

1 Amends chapter P-17 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1 In this Act,

(e) “*council*” means

(i) *the council of a city, town, village, summer village, municipal district or Metis settlement;*

(i) “*municipality*” means *a city, town, village, summer village or municipal district and includes a Metis settlement;*

(k) “*police officer*” means *an individual who*

(ii) *is a member of the Royal Canadian Mounted Police who is engaged in providing policing services to a municipality under an agreement entered into under section 22(3)(a), or*

(l) “*police service*” means

(i) *a regional police service;*

(ii) *a municipal police service;*

(iii) *the provincial police service;*

3 Section 2(2) presently reads:

(2) Notwithstanding anything in this Act, all police services and peace officers shall act under the direction of the Minister of Justice and 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.

4 Section 3 presently reads:

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

5 Minister's responsibility.

6 Section 4 presently reads in part:

4(1) As part of providing provincial policing services generally,

(a) every municipal district and Metis settlement, and

(b) every 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, village, summer village, municipal district or Metis settlement.

(4) A town, village or summer village that has a population that is greater than 2500 but less than 5000 shall, for the purpose of providing policing services specifically for the municipality, do one 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, 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 one 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.*

7 Section 5 presently reads:

5(1) The Minister 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 the Minister considers proper for the policing of that part of Alberta exempted under clause (a).*

(2) When a 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 Minister is satisfied that the population of the municipality will continue to remain in excess of 2500.*

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

(4) *When a 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 Minister is satisfied that the population of the municipality will continue to remain in excess of 4999.*

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

8 Section 8 presently reads in part:

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:

(b) *developing and promoting crime prevention programs;*

- (c) *developing and promoting programs to enhance professional police practices, standards and training;*

9 Additional jurisdiction of Law Enforcement Review Board.

10 Law Enforcement Review Board may review decision of a commission to dismiss a complaint.

11 Section 22 presently reads in part:

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 Minister.

(2) Notwithstanding subsection (1), where the Minister considers it necessary, the Minister 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 Minister.

(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 Minister, 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.

12 Section 23 presently reads:

23(1) The council of a municipality that has entered into an agreement under section 22 may by bylaw 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.

13 Section 27(1) presently reads:

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.

14 Section 28 presently reads:

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 Minister 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), one 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 bylaw.*

(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 chair and one or more vice-chairs.

(10) The chair 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.

15 Public Complaint Director.

16 Section 36(1) presently reads:

36(1) The commission shall appoint for a police service

(a) police officers, and

(b) subject to the ratification of council, the chief of police.

17 Section 41(3) presently reads in part:

(3) The chief of police is accountable to the commission for the following:

(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.

18 Additional powers of the chief of police and commission to deal with complaints.

19 Provides a process for dealing informally with complaints where appropriate.

20 Notification to complainant.

21 Section 45 presently reads in part:

45(1) Where a complaint is a complaint as to the actions of a police officer other than the chief of police, the chief shall cause the complaint to be investigated.

(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 the chief's police service who has sufficient rank and experience to, or

(ii) it would be in the public interest to have one 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 chair 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.

22 Section 46 presently reads in part:

46(1) Where the chair of a commission receives a complaint as to the actions of the chief of police, the chair 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 chair of the commission shall request the Minister 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 that are the subject of the investigation constitute

- (a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, that chief or police officer shall*
 - (i) refer the matter to the Minister of Justice and Attorney General, and*
 - (ii) advise the commission of that chief's or police officer's findings, unless the Minister of Justice and Attorney General otherwise directs,*

or

- (b) *a contravention of the regulations governing the discipline or the performance of duty of police officers, that chief or police officer shall refer the matter to the commission.*

23 Serious incidents and complaints.

24 Section 51 presently reads:

51 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 or her, subject him or her to punishment or establish his or her liability, shall not be used or received against the police officer or special constable 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.

25 Section 52 presently reads in part:

52 If a complaint is made,

- (a) *the commission, in the case of a complaint referred to in section 44, 45 or 46, and*

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

26 Section 62(1) presently reads:

62(1) The Minister 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) governing the providing of information to the Chair of the Board under section 52 and the release of that information by the Chair;*
- (f) prescribing the information and statistical data to be kept and reported to the Minister by commissions, policing committees, police services and employers of special constables.*

27 Consequential amendment.

28 Consequential amendment.

29 Consequential amendment.

30 Consequential amendment.