

BILL

No. 14 of 1917.

An Act respecting the Police Force of the Province of Alberta.

(Assented to _____, 1917.)

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

SHORT TITLE.

1. This Act may be cited as "*The Alberta Provincial Police Act.*"

INTERPRETATION.

2. In this Act unless the context otherwise requires—

(a) "The Force" means the Alberta Provincial Police Force;

(b) "Member of the Force" or "Member" means and includes the Superintendent, Assistant Superintendent, Inspectors, non-commissioned officers, and men of the Force;

(c) "Service" means service on the Force;

(d) "Constable" means any constable appointed under this Act;

(e) "Board of Commissioners" means the members of the board for the time being appointed to control and manage the Force.

CONSTITUTION.

3. There shall be constituted and established a force to be known as "The Alberta Provincial Police," with headquarters in the City of Edmonton, controlled and managed by a Board of Commissioners, three in number, appointed by the Lieutenant Governor in Council, holding office during pleasure, and whose remuneration and expenses shall be fixed by order of the Lieutenant Governor in Council.

(2) Until the Lieutenant Governor in Council shall otherwise provide the Board of Commissioners shall consist of the following: Philip Carteret Hill Primrose, Police Magistrate, Edmonton, as Chairman; Arthur George Browning, Deputy Attorney General, Edmonton, as Secretary; and Gilbert Edward Sanders, D.S.O., Police Magistrate, Calgary.

4. The Board of Commissioners shall meet at such times and in such places as business may require and at any meeting of the board two members shall form a quorum with full power to transact all or any business of the board.

APPOINTMENTS AND POWERS.

5. The Board of Commissioners shall appoint a Superintendent, an Assistant Superintendent, Inspectors, special constables and constables not exceeding one hundred and fifty, as they think proper, and may employ any other persons and do all acts, matters and things necessary for carrying out the provisions of this Act.

6. The Superintendent and Assistant Superintendent shall respectively have all the powers of two justices of the peace of the Province of Alberta, and shall be coroners in and for the said province.

(2) The inspectors shall be *ex officio* justices of the peace, and coroners in and for the Province of Alberta.

(3) Every member of the Force shall be *ex officio* a game guardian under the provisions of chapter 14, 1907, being An Act for the Protection of Game; a fire guardian under the provisions of chapter 87, N.W.T. Ordinances, being *The Prairie Fires Ordinance*; a truancy officer, under the provisions of chapter 8, 1910 (Second Session), being *The School Attendance Act*; an inspector under the provisions of chapter 15, 1907, being *An Act respecting Noxious Weeds*; an inspector under the provisions of chapter 6, 1911-12, being *An Act to Regulate the Speed and Operation of Motor Vehicles on Highways*; an inspector under the provisions of chapter 25, 1911-12, being *An Act to Regulate Theatres, etc*; an inspector under the provisions of chapter 24, 1911-12, being *An Act to Regulate Pool Rooms*; and every member of the Force shall have all the powers necessary for the enforcement of the provisions of any of such Acts.

7. In the absence, or in case of the death of the Superintendent, the Assistant Superintendent shall exercise all the powers conferred by this Act upon the Superintendent.

CONSTABLES.

8. Every constable other than a special constable appointed to the Force must be a British subject of sound constitution, active and able-bodied, not less than 21 nor more than 36 years of age and able to read and write legibly.

9. Every constable may be promoted, reduced, suspended, or discharged by the Superintendent at any time on the approval of the Board of Commissioners, and every such constable may resign from the Force at any time by giving sixty days' notice in writing to the Superintendent.

OATH.

10. Every member of the Force shall before entering upon the duties of his office take the oath of allegiance, and also an oath of office in the form following, that is to say:

"I, A.B., of the....., solemnly swear that I will faithfully, diligently and impartially execute and perform the duties required of me as a member of the Alberta Provincial Police; and will well and truly obey and perform all lawful orders and instructions which I shall receive as such, without fear, favour, or affection for or towards any person. So help me God."

(2) Such oaths may be taken before any justice of the peace in and for the Province of Alberta.

(3) Such oaths shall be forwarded by the person taking same to the Superintendent, and be by him filed with the Clerk of the Executive Council.

DUTIES.

11. The Superintendent shall perform such duties as are assigned to him by the Board of Commissioners, and shall be subject to the control, orders and authority of the Board of Commissioners.

12. It shall be the duty of the members of the Force, subject to the orders of the Superintendent—

- (a) To perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the laws and Ordinances in force in the Province of Alberta, the criminal laws of Canada and the apprehension of criminals and offenders and others who may be lawfully taken into custody;
- (b) To execute all warrants and perform all duties and services in relation thereto, which may under the laws and Ordinances in force in the Province of Alberta or the criminal laws of Canada be lawfully executed and performed by constables;
- (c) To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and lunatics to or from any courts, places of punishment or confinement, asylums or other places.

13. Whenever any member of the Force believes that liquor intended for sale or to be kept for sale or otherwise in violation of chapter 4 of the Statutes of Alberta, 1916, being *The Liquor Act*, is contained in any room, shop, store, hut, tent, wigwam or building, place or enclosure, such member of the Force shall have power when authorized so to do by an order from the Superintendent, Assistant Superintendent, or an Inspector, or by any warrant duly issued by any justice of the peace for the Province of Alberta, to enter any of such places hereinbefore mentioned, and for such purpose stop and detain while travelling, a vessel, canoe, carriage, wagon, cart, sleigh, or other vehicle or means of conveyance of any description, and to search all parts thereof, and any kegs, barrels, cases, boxes or packages, or receptacles of any kind for spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind, and to break and destroy any such kegs, barrels, cases, boxes or packages, or other receptacles of any kind found containing the same, and to pour out and destroy all spirits, strong waters, spirituous liquors, wines or fermented or compounded liquors or intoxicating drink.

(2) It shall not be necessary in order to justify a member of the Force's lawful entry into or search of any place or thing in this section mentioned or to his right of seizure and destruction of such liquors, or intoxicating drink as aforesaid, that he shall, before such entry or seizure, see any such liquor or intoxicating drink, or have any visible indication or evidence that liquor of any kind may be contained in or about the premises.

EXPENDITURE AND ACCOUNTS.

14. The Provincial Treasurer is hereby authorized to pay out of the general revenue fund of the province such sum or sums of money as may from time to time be requisitioned by the Board of Commissioners to defray any expense authorized by them under this Act.

(2) An account shall be kept of the expenditure of all such moneys and a detailed statement thereof shall be laid before the Legislature, within fifteen days after the opening of the Session in each year.

15. Notwithstanding anything contained in *The Treasury Department Act*, the Board of Commissioners shall have power with the approval of the Lieutenant Governor in Council from time to time to make such provisions and regulations as may be deemed by them advisable or necessary respecting the disbursement of any moneys supplied to them to defray any expense authorized by this Act, and also respecting the keeping of accounts, the application of funds and other matters of financial detail in respect thereto.

PAY.

16. The Board of Commissioners may from time to time fix the sums to be paid to the Superintendent, and other members of the Force, regard being had to the number of constables from time to time actually organized and enrolled and the consequent responsibility attaching to their offices respectively, and to the nature of the duty or service and amount of labour devolving upon them, but such sums shall not exceed the amounts following, that is to say:

Superintendent of Police, per annum.....	\$4,000.00
Assistant Superintendent, per annum.....	3,000.00
Each Inspector, per annum.....	2,500.00
Sergeant-Major, per diem.....	5.00
Each stock detective who will be required to furnish his own horse and equipment and pay all expenses, except his railway fares, per diem.	5.00
Each special constable, per diem.....	4.00
Each detective, per diem.....	4.00
Each sergeant, per diem.....	4.00
Each corporal, per diem.....	3.50
Each constable, per diem.....	3.00
Extra pay, on authority of Board of Commissioners, per diem.....	1.00

PENSIONS.

17. A pension fund shall be established and administered by the Board of Commissioners for the payment of a pension to every member of the Force at the time of his retirement from the Force of an amount equal to such sum or sums of money as he shall pay into the pension fund, with an additional five per cent. interest compounded every six months.

(2) A deduction of five per cent. shall be made from the salary of every member of the Force and such sum shall form part of the pension fund.

(3) The pension shall be payable upon certificate of the Superintendent that the member is deserving thereof and of good character, and no pension shall be payable in any event to any member of the Force who is retired compulsorily for misconduct or inefficiency, or is convicted of an indictable offence.

(4) Neither the pension nor any part of it shall be assignable at law or otherwise howsoever attachable for debt.

(5) The pension shall in the case of death of a member of the Force be paid to the lawful next-of-kin of such member.

(6) Any member of the Force who by false or forged certificates or false representations or false evidence or by impersonation or by any other fraudulent conduct obtains a pension or any part thereof shall be guilty of an offence and liable on summary conviction to imprisonment with or without hard labour for a period not exceeding twelve months, or to a fine not exceeding \$100.00, or both, and shall forfeit any pension he may be entitled to, and in case any pension money has been paid to him he shall refund the same on demand of the Board of Commissioners and in default he shall in addition to any other punishment be liable on summary conviction to imprisonment with or without hard labour for a period not exceeding twelve months.

OFFENCES AND PENALTIES.

18. Every Superintendent, Assistant Superintendent and Inspector, who is charged with any of the offences enumerated in the following section may be suspended and the Commissioners may, on receipt of the charge in writing, hold an investigation as in the case of a special inquiry under the provisions of this Act.

19. Every member of the Force, other than the Superintendent, Assistant Superintendent and Inspectors, who is charged with—

- (a) Disobeying or refusing to obey the lawful command of, or striking his superior;
- (b) Oppressive or tyrannical conduct towards his inferior;
- (c) Intoxication, however slight;
- (d) Having intoxicating liquor illegally in his possession or concealed;
- (e) Directly or indirectly receiving any gratuity without the Superintendent's sanction, or any bribe;

- (f) Wearing any society or party emblem whilst on duty;
- (g) Otherwise manifesting political partizanship;
- (h) Overholding any complaint;
- (i) Mutinous or insubordinate conduct;
- (j) Unduly withholding any allowances, or any other public money entrusted to him;
- (k) Misapplying or improperly withholding any money or goods levied under any warrant, or taken from any prisoner;
- (l) Divulging any matter or thing which it is his duty to keep secret;
- (m) Making any anonymous complaint to the Government or to the Superintendent;
- (n) Communicating (without the Superintendent's authority) either directly or indirectly to the public press any matter or thing touching the Force;
- (o) Wilfully or through negligence or connivance allowing any prisoner to escape;
- (p) Using any cruel, harsh or unnecessary violence towards any prisoner or any other person;
- (q) Leaving any post on which he has been placed as sentry or on other duty;
- (r) Deserting or absenting himself from his duties or quarters without leave;
- (s) Scandalous or infamous behaviour;
- (t) Disgraceful, profane or grossly immoral conduct;
- (u) Violating any standing order, rule or regulation, or any order, rule or regulation hereafter made;
- (v) Any disorder or neglect to the prejudice of morality or discipline, although not specified in this Act, or in any rule or regulation;

may be forthwith suspended and thereafter proceeded against in accordance with the provisions of this Act.

20. The Superintendent, Assistant Superintendent, or Inspectors, commanding at any post, or in any district, may forthwith on a charge in writing, of any one or more of the offences mentioned in the last preceding section being preferred against any member of the Force (other than the Superintendent, Assistant Superintendent or Inspectors) cause the person so charged to be brought before him, and he shall then and there in a summary way investigate the said charge, and may for that purpose compel the attendance of all necessary witnesses in the same manner as if the proceedings were before a justice of the peace under part XV of *The Criminal Code*, and if such charge be proved on oath to his satisfaction shall thereof convict the offender.

21. Any such offender shall be fined an amount not exceeding two months' pay, together with all costs, and in default of the payment thereof shall be imprisoned for a term not exceeding three months with or without hard labour; and also if a sergeant-major, sergeant or corporal, may be reduced in rank, in addition, in any case, to any punishment to which the offender is liable with respect to such offence under any law in force in the Province of Alberta.

22. The Superintendent shall cause the record of all such proceedings respecting offences and inquiries under this Act, to be forthwith placed before the Board of Commissioners to whom an appeal shall lie, and they may mitigate, reverse, alter or modify the sentence.

23. Every person who by concealing the fact of his having been dismissed from the Force, or by false or forged certificates or by false representations, obtains admission into the Force or obtains any pay, gratuity or pension, shall on summary conviction be liable to a fine not exceeding eighty dollars or to imprisonment with or without hard labour for any term not exceeding six months, or to both fine and imprisonment.

24. Whenever a member of the Force has been imprisoned for an offence under this Act, such term of imprisonment shall not be deemed to be abridged, or to cease, in consequence of the expiry pending such term of imprisonment of the term during which the offender had engaged to serve in the Force.

25. In all cases of imprisonment under this Act the pay of the offender shall be forfeited during the period of imprisonment suffered.

26. Any person who unlawfully puts on or assumes the dress, name or designation or description of any member of the Force, or who gives or offers, or promises to give to any member of the Force, any bribe (pecuniary or otherwise) or who makes any agreement with any member of the Force to induce him in any way to forego his duty or who concert or connives at any act whereby any rule, order, or regulation of the Commissioners in relation to the Force may be evaded, shall, on summary conviction on the complaint of any member of the Force, be liable to a fine not exceeding eighty dollars, or to imprisonment, with or without hard labour, for a term not exceeding six months or to both fine and imprisonment.

27. Every person who unlawfully disposes of, receives, buys or sells, or has in his possession, without lawful cause, or refuses to deliver up when thereunto lawfully required, any horse, vehicle, harness, arms, accoutrement or clothing or other thing used for police purposes shall on summary conviction be liable to a penalty of double the value thereof, and to a further penalty not exceeding twenty-five dollars and in default of payment forthwith to imprisonment for a term not exceeding three months.

DISPOSITION OF PENALTIES.

28. All pecuniary penalties imposed on any person who is or was a member of the Force under the provisions of this Act, and all pay due to deserters at the time of their desertion, shall form a fund to be managed by the Superintendent with the approval of the Board of Commissioners and be applicable to the payment of rewards for good conduct, or meritorious services, to the establishment of libraries, and recreation rooms, and to such other objects for the benefit of the members of the Force as the Board of Commissioners approves.

INQUIRIES.

29. Whenever the Board of Commissioners deems it advisable to make any special inquiry respecting the commission of any of the offences mentioned in this Act or into the conduct of any member of the Force or into any complaint against any of them, they may examine any person, under oath or affirmation, and compel the attendance of any necessary witness in the same manner as if the proceedings were before a justice of the peace under part XV of *The Criminal Code*.

ADDITIONAL POWERS.

30. The Board of Commissioners may from time to time enter into an agreement with any city, town, village, rural municipality, local improvement district or any person or corporation for the use or employment of the Force or any portion thereof in aiding the administration of justice in such city, town, village, rural municipality or other place in carrying into effect the laws in force in the Province of Alberta, or under *The Criminal Code*, including the by-laws of any city, town, village, rural municipality or other corporation.

31. The Board of Commissioners has power to make rules and regulations respecting—

- (a) The amounts to be paid for the purchase of horses, vehicles, harness, saddlery, clothing, arms, and accoutrements or articles necessary for the Force; and also the expenses of travelling, and of rations, or of boarding or billeting the Force, and of forage for the horses;
- (b) The clothing, arms, training and discipline of the Force;
- (c) The duties and authorities of the Superintendent and any and every member of the Force, and the several places at or near which they, or the Force, or any portion thereof may be stationed;
- (d) The pension fund;
- (e) Generally such acts, matters and things concerning the government, discipline, and guidance of the Force as are not inconsistent with this Act.

(2) The regulations made under the authority of this Act shall be published in *The Alberta Gazette* and shall have the force of law from the date of publication therein or from such other date as in such regulation or order in council is appointed for coming into force.

No. 14.

FIFTH SESSION
THIRD LEGISLATURE
7 GEORGE V
1917

BILL

An Act respecting the Police Force
of the Province of Alberta.

Received and read the

First time.....

Second time.....

Third time.....

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
1917