

2022 Bill 6

Fourth Session, 30th Legislature, 1 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 6

POLICE AMENDMENT ACT, 2022

THE MINISTER OF PUBLIC SAFETY AND EMERGENCY SERVICES

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 6

2022

POLICE AMENDMENT ACT, 2022

(Assented to _____, 2022)

HIS 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2 The enacting clause is repealed and the following is substituted:

Preamble

WHEREAS police services perform a critical role in ensuring public safety and security in Alberta;

WHEREAS the Government of Alberta recognizes the importance of articulating a framework based on the Peelian principles to guide police services in Alberta;

WHEREAS it is desirable that First Nations be able to establish policing services for First Nations reserves where an agreement exists to that effect;

WHEREAS the public is best served by police services that have robust public oversight; and

WHEREAS independent oversight of complaints against police officers and police services will enhance public trust in police services in Alberta;

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

Explanatory Notes

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

2 Adds preamble.

3 Section 1 is amended

(a) **in clause (c) by adding** “, but does not include the Police Review Commission” **after** “33.1(2)”;

(b) **by adding the following after clause (f.2):**

(f.3) “fiscal year” means the period beginning April 1 of one year and ending on March 31 of the next year;

(c) **by adding the following after clause (i):**

(i.1) “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;

(d) **by adding the following after clause (k):**

(k.1) “Police Review Commission” means the Police Review Commission established under section 42.01(1);

(e) **in clause (m) by striking out** “section 23” **and substituting** “section 28.03 or 28.04”.

4 The following is added after the heading to Part 1:

Guiding principles

1.1 Policing in Alberta should be conducted in accordance with the following principles:

- (a) policing should be guided by the need to ensure the safety and security of all persons and property in Alberta;
- (b) policing should safeguard the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Alberta Human Rights Act*;
- (c) there should be co-operation between the providers of police services and the members of the communities they serve;
- (d) when providing policing services to the public, it is desirable for police officers to consider the

3 Section 1 presently reads in part:

1 In this Act,

(c) “commission” means a police commission established under section 25, 28 or 33.1(2);

(m) “policing committee” means a policing committee established under section 23;

4 Guiding principles.

health-related situations, conditions or impediments affecting an individual;

- (e) it is desirable that policing services be provided in a manner that recognizes the history and cultures of First Nations, Inuit and Metis peoples in Alberta;
- (f) police services should strive to reflect the pluralistic character of society and the communities they serve;
- (g) police officers at all levels should promote a culture of accountability within their roles as police officers;
- (h) policing complaint processes should be objective and transparent, and should promote public confidence in the complaints process.

5 Section 2(2) is amended by striking out “and Solicitor General”.

6 Section 3.1 is amended by striking out “and” at the end of clause (a) and by adding the following after clause (a):

- (a.1) establish priorities for policing in the province, and

7 Section 6 is amended by striking out “city, town, village or summer village” and substituting “municipality”.

5 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 Solicitor General in respect of matters concerning the administration of justice.

6 Section 3.1 presently reads:

3.1 The Minister may, subject to the regulations,

(a) establish standards for

(i) police services,

(ii) police commissions, and

(iii) policing committees,

and

7 Section 6 presently reads:

6 For the purposes of this Act, the population of a city, town, village or summer village shall be determined by the Minister responsible for section 1(i) of the Local Government Fiscal Framework Act.

8 Section 8(2) is amended

- (a) **in clause (a.1) by striking out** “chiefs of police and commissions” **and substituting** “the Police Review Commission”;
- (b) **in clause (c) by striking out** “and policing committees” **and substituting** “, policing committees and the Provincial Police Advisory Board”;
- (c) **in clause (e) by adding** “the Provincial Police Advisory Board,” **after** “policing committees,”.

9 Section 9 is amended by adding the following after subsection (3):

(3.1) Notwithstanding subsection (3), a member of the Board who has been designated as the Chair of the Board may be appointed for a term of not more than 5 years.

10 Section 14 is amended by striking out “calendar year” **and substituting** “fiscal year”.

11 Section 15 is amended by striking out “and Solicitor General”.

12 Section 17 is amended

- (a) **in subsection (1)**
 - (i) **in clause (a.1) by striking out** “a commission referred to the Board under section 43(12)(b)(i)” **and substituting** “the Police Review Commission or its chief executive officer referred to the Board under section 42.2(5) or 43(7)(b)(i)”;

8 Section 8(2) presently reads in part:

(2) The duties of the Director include the following:

- (a.1) monitoring the handling by chiefs of police and commissions of complaints;*
- (c) developing and promoting programs to enhance professional practices, standards and training for police services, commissions and policing committees;*
- (e) consulting with and advising councils, commissions, policing committees, chiefs of police and authorized employers of peace officers appointed under the Peace Officer Act on matters relating to police and policing;*

9 Section 9(3) presently reads:

(3) A member of the Board must be appointed for a term of not more than 3 years and, subject to the Alberta Public Agencies Governance Act and any applicable regulations under that Act, is eligible for reappointment.

10 Section 14 presently reads:

14 After the end of each calendar year the Board shall file with the Minister 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 Minister directs.

11 Section 15 presently reads:

15 On the request of the Board or the Chair, the Minister of Justice and Solicitor General may appoint a lawyer to assist the Board in respect of an appeal or an inquiry.

12 Section 17 presently reads in part:

17(1) The Board

- (a.1) shall conduct reviews of decisions of a commission referred to the Board under section 43(12)(b)(i),*
- (b) shall conduct appeals referred to the Board under section 48 in accordance with section 19.2,*

- (ii) in clause (b) by adding “43.5(5) or” after “section”;
- (b) in subsection (2) by striking out “and Solicitor General”;
- (c) in subsection (3)
 - (i) by striking out “and Solicitor General” wherever it occurs;
 - (ii) by striking out “or the performance of duty”.

13 Section 18 is amended by adding “43.5(5) or” after “section”.

14 Section 19 is amended by adding the following after subsection (3):

(3.1) The Board may hold meetings, hold sittings, conduct appeals or inquiries and otherwise conduct Board business by telephone or other electronic means.

15 Section 20 is amended

- (a) in subsection (1)
 - (i) in clauses (a) and (b) by striking out “in writing”;
 - (ii) in clause (d)
 - (A) in subclause (i)

(2) 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 Minister of Justice and Solicitor General.

(3) Notwithstanding that the actions of the police officer have been referred to the Minister of Justice and Solicitor General under subsection (2), 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 Minister of Justice and Solicitor General directs otherwise.

13 Section 18 presently reads:

18 The decision of the Board in respect of a matter appealed to it under section 48 may,

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

(b) with the permission of a single judge of the Court of Appeal,

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

14 Allows board to conduct business by telephone or other electronic means.

15 Section 20 presently reads in part:

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;

- (I) **by striking out** “chief of police” **and substituting** “chief executive officer of the Police Review Commission”;
 - (II) **by striking out** “section 45” **and substituting** “section 43.5”;
 - (B) **in subclause (ii) by striking out** “section 45 or 46” **and substituting** “section 43.5”;
- (b) by repealing subsection (1.1) and substituting the following:**
- (1.1)** On an application for review of a decision of the Police Review Commission or its chief executive officer under section 42.2(5) or 43(7)(b)(i), the Board shall without a hearing review the record of the proceedings under section 42.2(3)(a) or 43(3) or (4), as the case may be, and the reasons for the decision and may
- (a) affirm the decision of the Police Review Commission or its chief executive officer, or
 - (b) refer the complaint back to the Police Review Commission or its chief executive officer with directions that the complaint be dealt with in accordance with Part 5.
- (c) in subsection (1.2) by adding** “43.5(5) or” **after** “section”;
- (d) in subsection (2)**
- (i) **in clause (a)(iv) by striking out** “section 45 or 46, as the case may be” **and substituting** “section 43.5”;
 - (ii) **in clause (b)**
 - (A) **by striking out** “section 48” **and substituting** “43.5(5)”;
 - (B) **in subclause (i) by striking out** “section 47” **and substituting** “section 43.5(4)(b)”;
 - (C) **in subclause (ii) by striking out** “section 45(3) or 46(4), as the case may be” **and substituting** “section 43.5(4)(a)”;

(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;

(d) the Board may require

(i) the chief of police in respect of an investigation or a hearing conducted under section 45, or

(ii) the person charged with the conduct of an investigation or a hearing under section 45 or 46,

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;

(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.

(1.2) If at any time after a written notice of appeal has been filed with the Board in accordance with section 48 the parties agree to a resolution of the matter, the Board may issue an order respecting the agreement.

(2) Where the Board concludes an appeal

(a) in the case of an appeal commenced under section 48 from a matter in respect of which a hearing was held, the Board may

(iv) direct that the matter, subject to any directions that the Board may give, be reheard under section 45 or 46, as the case may be,

(b) in the case of an appeal commenced under section 48 from a matter in respect of which a hearing has not been held, the Board may

(D) by repealing subclause (iii) and substituting the following:

- (iii) direct the Police Review Commission to lay a charge under the regulations governing the discipline of police officers,

(E) by repealing subclause (iv) and substituting the following:

- (iv) direct the chief executive officer of the Police Review Commission to have the matter investigated again,

(e) in subsection (3)

(i) by striking out “an appeal or an inquiry” and substituting “a review, an appeal or an inquiry”;

(ii) in clause (b) by striking out “an appeal commenced under section 48(2)” and substituting “a review referred to the Board under section 42.2(5) or 43(7)(b)(i) or an appeal commenced under section 43.5(5) or 48(2)”;

(iii) by repealing clause (c) and substituting the following:

- (c) the Police Review Commission;

16 Sections 20.1 and 23 are repealed.

- (i) *affirm the decision made under section 47,*
- (ii) *direct that a hearing be conducted under section 45(3) or 46(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,
- (3) *When the Board conducts an appeal or an inquiry, the following must be informed in writing of the findings of the Board:*
 - (b) *the complainant and the police officer against whom the complaint is made, in the case of an appeal commenced under section 48(2);*
 - (c) *the commission;*

16 Sections 20.1 and 23 presently read:

20.1 The amendments to sections 19 and 20 made by the Police Amendment Act, 2005 (No. 2) apply only to inquiries and appeals that commence after the coming into force of that Act.

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.

17 Section 25 is amended

(a) in subsection (1) by adding “and appoint members to the commission” **after** “establish a regional police commission”;

(b) by adding the following after subsection (1):

(1.1) If the parties to the agreement have appointed

(11) A member of a policing committee is eligible for reappointment if the reappointment does not result in more than 10 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 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.

17 Section 25 presently reads:

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.

- (a) 3 or fewer members to the commission, the Minister may appoint one member to the commission,
- (b) 4 to 6 members to the commission, the Minister may appoint up to 2 members to the commission, and
- (c) 7 or more members to the commission, the Minister may appoint one member for each group of 3 members appointed to the commission, including any remaining group that is less than 3 members.

(1.2) Notwithstanding subsection (1.1), the Minister may appoint additional members to a regional police commission if the Minister considers it necessary, so long as the total number of members appointed by the Minister is less than 50% of the total number of commission members.

(c) in subsection (2) by striking out “The” and substituting “Subject to subsection (2.1), the”;

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

(2.1) The appointment of a member to a regional police commission appointed by the Minister may be revoked only by the Minister at the discretion of the Minister.

18 Section 28 is amended

(a) by repealing subsections (2) and (3) and substituting the following:

(2) A council that has established a commission shall prescribe, subject to the regulations, the rules governing the operations of the commission.

(2.1) Subject to subsection (3), a commission shall consist of not fewer than 3 nor more than 12 members appointed in accordance with subsections (2.2) and (2.3).

(2.2) The council that has established the commission may appoint, subject to the regulations, up to 9 members to the commission.

(2.3) If the council has appointed

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

18 Section 28 presently reads in part:

(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

- (a) 1 to 3 members to the commission, the Minister may appoint one member to the commission,
- (b) 4 to 6 members to the commission, the Minister may appoint up to 2 members to the commission, or
- (c) 7 to 9 members to the commission, the Minister may appoint up to 3 members to the commission.

(3) Notwithstanding subsection (2.3), the Minister may appoint additional members to a commission if the Minister considers it necessary, so long as the total number of members

- (a) appointed to the commission does not exceed 15 members, and
- (b) appointed by the Minister is less than 50% of the total number of commission members.

(b) by adding the following after subsection (3):

(3.1) For greater certainty, subsection (2.3) does not apply to a police commission for a First Nation police service.

(c) in subsections (4)(a) and (b) by striking out “subsection (2)” and substituting “subsection (2.2)”;

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

(6.1) Notwithstanding subsection (6)(b), a person appointed to a commission by the Minister may be appointed for a term of office of up to 3 years.

(e) by adding the following after subsection (12):

(12.1) Despite anything to the contrary in subsection (12), the appointment of a member to a commission who was appointed by the Minister may not be revoked by the council, but may be revoked by the Minister at the discretion of the Minister.

(f) by adding the following after subsection (13):

(14) Notwithstanding subsection (2.2), if a council has appointed more than 9 members to a commission prior to the coming into force of this subsection,

- (b) 5 or more members are appointed under subsection (2), 2 of them may be members of the council or employees of the municipality.*
- (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.*
- (12) The appointment of a member to a commission may not be revoked by the council except for cause.*

- (a) the members that were appointed prior to that time remain as members of the commission, but the council may not reappoint a member or appoint a new member unless the reappointment or appointment complies with subsection (2.2), and
- (b) the Minister may appoint additional members to the regional police commission as if the council had appointed 9 members to the commission.

19 The following is added after section 28:

Provincial Police Advisory Board

28.01(1) The Provincial Police Advisory Board is established, consisting of not more than 15 persons appointed by the Minister in accordance with the regulations, one of whom shall be designated as the Chair.

(2) A member of the Provincial Police Advisory Board must be appointed for a term of not more than 3 years and, subject to the *Alberta Public Agencies Governance Act* and any applicable regulations under that Act, is eligible for reappointment.

(3) Notwithstanding that the term of office of a member of the Provincial Police Advisory Board may have expired, the member continues to hold office until

- (a) the member is reappointed,
- (b) a successor is appointed, or
- (c) a period of 6 months has elapsed,

whichever occurs first.

(4) The Provincial Police Advisory Board must include

- (a) at least one member from a First Nation, nominated by the First Nation,
- (b) at least one member from
 - (i) a Metis settlement established by the *Metis Settlements Act*, or

19 Provincial Police Advisory Board; powers, duties and functions of the Provincial Police Advisory Board; municipal policing committees; regional policing committees; members of municipal and regional committees; powers and duties of policing committees.

- (ii) a Metis community, as defined in the regulations,
nominated by the Metis settlement or community, as the case may be, and
- (c) other persons prescribed by the Minister in the regulations.

(5) Notwithstanding subsection (4), the Provincial Police Advisory Board may continue to perform its duties and functions despite the vacancy of a member required by subsection (4).

(6) Each member of the Provincial Police Advisory Board shall take the oath set out in Schedule 1.

Powers, duties and functions of the Provincial Police Advisory Board

28.02 The Provincial Police Advisory Board shall have the powers and perform the duties and functions set out in the regulations.

Municipal policing committees

28.03(1) A municipality

- (a) with a population that is greater than 15 000, and
- (b) that has entered into an agreement with the Government of Canada for the employment of the Royal Canadian Mounted Police for the provision of policing services to the municipality

shall establish a municipal policing committee in accordance with the regulations.

(2) With the approval of the Minister, 2 or more municipalities may establish a joint municipal policing committee in accordance with the regulations.

Regional policing committees

28.04(1) Subject to subsection (2), municipalities that

- (a) have a population not greater than 15 000,
- (b) have entered into an agreement with the Government of Canada for the employment of the Royal Canadian

Mounted Police for the provision of policing services to the municipality, and

(c) are located within a prescribed regional governance zone

shall establish a regional policing committee in accordance with the regulations.

(2) With the approval of the Minister, a municipality referred to in subsection (1) with a population of at least 5000 but not greater than 15 000 may establish a municipal policing committee in accordance with the regulations instead of a regional policing committee.

Members of municipal and regional committees

28.05(1) All persons appointed to a municipal or regional policing committee shall take the oath set out in Schedule 2.

(2) A council that has established a municipal policing committee or the councils that have established a regional policing committee may provide for the payment of reasonable remuneration or of a gratuity or allowance to members of the committee in accordance with the regulations.

Powers and duties of policing committees

28.06 A policing committee shall have the powers and perform the duties and functions set out in the regulations.

20 Sections 28.1, 28.2 and 28.3 are repealed.

20 Sections 28.1, 28.2 and 28.3 presently read:

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,

(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, or

(e) a former police officer if the position of Public Complaint Director is not in the same municipality where the former police officer was employed.

(2.1) The Public Complaint Director shall not be a currently serving police officer.

(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) act as a liaison between the commission, policing committee, the chief of police, the officer in charge of a police service and the complainant as applicable,

(c) perform the duties assigned by the commission or policing committee in regard to complaints,

(d) review the investigation conducted in respect of a complaint during the course of the investigation and at the conclusion of the investigation,

(e) offer an alternative dispute resolution process where, in the Public Complaint Director's opinion, that may be an appropriate manner in which to resolve the complaint,

(f) if an alternative dispute resolution process is offered under clause (e), review the manner in which the alternative dispute resolution process is delivered, and

(g) provide reports to the commission or policing committee, as required by the commission or policing committee.

28.2(1) Notwithstanding section 28.1, the policing committees of 2 or more municipalities may, by unanimous agreement of the municipalities, designate a person as a Regional Public Complaint Director for those policing committees.

(2) A person who is eligible to be a Public Complaint Director under section 28.1(2) or (2.1) is also eligible to be a Regional Public Complaint Director but may not serve as both a Public Complaint Director and Regional Public Complaint Director concurrently.

(3) A Regional Public Complaint Director has the same powers as a Public Complaint Director has under section 28.1(3).

21 Section 30 is amended by adding the following after subsection (1):

(1.1) Without limiting the generality of subsection (1), the Minister, when requested to do so by a police service, a commission or a policing committee, may request a council to take the action the Minister considers necessary.

(1.2) If there is a disagreement between any police service, commission, policing committee or council relating to the provision or maintenance of policing services, one of the parties to the disagreement may refer the matter to the Minister, or the Minister may determine that it is desirable to become involved in the matter, and the Minister may do one or more of the following:

- (a) commence, or appoint a person by order to conduct, an investigation;

28.3(1) The Minister may designate an employee of the Government under the Minister's administration as a Provincial Public Complaint Director.

(2) The Provincial Public Complaint Director has the following functions:

- (a) receive complaints from the public;*
- (b) refer complaints to the chief of police, the officer in charge of a police service, the Public Complaint Director or the Regional Public Complaint Director, as appropriate;*
- (c) if no Public Complaint Director or Regional Public Complaint Director has been designated for the municipality in which a complaint arose, perform the functions of a Public Complaint Director or Regional Public Complaint Director in respect of the complaint;*
- (d) provide education and training resources to the Public Complaint Director and Regional Public Complaint Director;*
- (e) gather information and statistical data respecting the types of complaints made, the number of complaints made and any other information respecting complaints as required;*
- (f) present reports to the Minister as required.*

21 Section 30(1) presently reads:

30(1) When, in the opinion of the Minister, 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 Minister may notify the council of that fact and request the council to take the action the Minister considers necessary to correct the situation.

- (b) appoint a mediator to assist the parties in resolving the disagreement;
- (c) make a decision to settle the disagreement and order any of the parties to take any action the Minister considers appropriate.

22 Section 31(1) is amended

- (a) **by striking out** “for that purpose”;
- (b) **by renumbering clause (a) as clause (a.2) and by adding the following before clause (a.2):**
 - (a) establish the priorities of the police service, taking into account the priorities for policing in the province established under section 3.1, and report these priorities and any modification of them to the Minister within 30 days of establishing or modifying them;
 - (a.1) report annually or on request to the Minister on the implementation of programs and services to achieve the priorities of the police service;
- (c) **by adding the following after clause (d):**
 - (e) develop a community safety plan in conjunction with the police service that includes a plan for collaboration with community agencies, and report annually to the Minister on the implementation of and any updates to the plan;
 - (f) develop a diversity and inclusion plan in conjunction with the police service;
 - (g) exercise other powers and perform other duties and functions specified by the regulations.

23 Section 32 is amended

- (a) **in subsection (8) by striking out** “or the performance of duty”;
- (b) **in subsection (9) by adding** “by forwarding the matter to the Police Review Commission as a complaint” **after** “Part 5”.

22 Section 31(1) presently reads in part:

31(1) Where a commission has been established, the commission shall, in the carrying out of its responsibilities, oversee the police service and for that purpose shall do the following:

- (a) allocate the funds that are provided by the council;*
- (d) ensure that sufficient persons are employed for the police service for the purposes of carrying out the functions of the police service.*

23 Section 32 presently reads in part:

(8) Where, from the evidence before the inquiry, the chair of the inquiry is of the opinion that there is sufficient evidence that the actions of a specific police officer constitute or may constitute a contravention of the regulations governing the discipline or the

24 Section 37(4) is amended by striking out “Sections 45 to 48” and substituting “Sections 43.5, 47 and 48”.

25 Section 41 is amended

(a) by repealing subsection (1)(b) and substituting the following:

(b) the maintenance of discipline within the police service, subject to the regulations governing the discipline of police officers;

(b.1) the performance of duty within the police service;

(b) by repealing subsection (3)(e) and substituting the following:

(e) the reporting to the commission and the Police Review Commission of any complaint focused on the policies of or services provided by a police service, any actions taken to address the complaint and the disposition of the complaint.

26 The following is added after the heading to Part 5:

Police Review Commission

42.01(1) The Police Review Commission is established.

(2) The Minister may appoint a

(a) chief executive officer for the Police Review Commission, and

(b) a registrar for the Police Review Commission.

(3) The chief executive officer or registrar may delegate their powers to any person in the Police Review Commission.

performance of duty of police officers, the chair shall report that matter to the commission.

(9) On receiving a report under subsection (8), the commission shall proceed to have the actions of the specific police officer dealt with under Part 5.

24 Section 37(4) presently reads:

(4) Sections 45 to 48 do not apply in respect of a police officer released from the police service under subsection (2).

25 Section 41 presently reads in part:

41(1) The chief of police of a police service established under section 24, 27 or 33.1(1) is responsible for the following:

(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;

(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, the progress of any investigation or informal resolution process regarding the complaint, the reasons for any delays and the manner in which the complaint is resolved.

26 Police Review Commission.

27 Section 42.1 is amended

(a) in subsection (4)

(i) by repealing clause (b) and substituting the following:

(b) the complainant's contact information;

(ii) by repealing clause (f) and substituting the following:

(f) any other information requested by the chief executive officer of the Police Review Commission;

(b) by adding the following after subsection (4):

(4.1) A complaint shall be submitted to the Police Review Commission.

(c) by repealing subsection (6) and substituting the following:

(6) A complaint is considered to be made on the date it is received by the Police Review Commission or, in the case of a Level 4 or Level 5 complaint under section 42.2(4), by the relevant police service, as the case may be.

28 The following is added after section 42.1:

Complaint intake and assessment

42.2(1) Subject to subsection (7), any complaint received by the chief of a police service, a commission, a municipal policing committee or a regional policing committee must be forwarded to the Police Review Commission, as soon as practicable and in any case within 30 days of being received, to be administered in accordance with this section.

(2) The Police Review Commission, as soon as practicable and in any case within 2 business days, shall notify

(a) a complainant when a complaint has been received by or forwarded to the Police Review Commission with respect to the complainant,

27 Section 42.1 presently reads in part:

(4) A complaint must be made in writing and must include the following information:

(b) the complainant's contact information, including the complainant's

(i) address,

(ii) telephone number,

(iii) cellular telephone number, if available, and

(iv) electronic mail address, if available;

(f) any other information requested by the chief of police, the officer in charge of a police service, the Public Complaint Director, the Regional Public Complaint Director or the Provincial Public Complaint Director;

(6) A complaint is considered to be made on the date it is received by the chief of police, the officer in charge of a police service, the Public Complaint Director, the Regional Public Complaint Director or the Provincial Public Complaint Director, as the case may be.

28 Complaint intake and assessment.

- (b) the chief of police or officer in charge for the relevant police service when a complaint has been received by or forwarded to the Police Review Commission with respect to a member of that police service, and
- (c) the commission for the relevant police service when a complaint has been received by or forwarded to the Police Review Commission with respect to the chief of police of the police service.

(3) The Police Review Commission shall assess all complaints that are received by or forwarded to it and may,

- (a) in the case of a Level 2 or Level 3 complaint, dismiss the complaint if it appears to the Police Review Commission that the complaint is frivolous, vexatious or made in bad faith, or
- (b) in any other case, assess and categorize the complaint in accordance with subsection (4).

(4) The Police Review Commission shall assess and categorize a complaint based on the following criteria:

Complaint Level	Criteria
Level 1	<p>An incident has occurred involving serious injury to or the death of any person that may have resulted from the actions of a police officer, or a complaint alleges that</p> <ul style="list-style-type: none"> (a) serious injury to or the death of any person may have resulted from the actions of a police officer, or (b) there is a matter of a serious or sensitive nature related to the actions of a police officer.
Level 2	<p>A complaint alleges that a police officer has committed an offence under an Act of the Parliament of Canada or the Legislature of Alberta, but the complaint does not relate to an incident or complaint meeting the criteria of a Level 1 complaint.</p>

Level 3	A complaint alleges that a police officer has committed a contravention of the regulations governing the discipline of police officers, but the complaint does not relate to an incident or complaint meeting the criteria of a Level 1 or Level 2 complaint.
Level 4	A complaint alleges unsatisfactory performance by a police officer, but the complaint does not relate to an incident or complaint meeting the criteria of a Level 1, Level 2 or Level 3 complaint.
Level 5	A complaint primarily focuses on the policies of or services provided by a police service.

(5) The Police Review Commission shall notify the complainant of the result of the complaint assessment process as soon as possible and, if the Police Review Commission has dismissed the complaint under subsection (3)(a), shall notify the complainant of the complainant's right to request the Board to review the decision within 30 days of receiving the notice.

(6) If the Police Review Commission determines that

- (a) a complaint is a Level 1 complaint, the complaint shall be referred to the chief executive officer of the Commission and administered in accordance with section 43.2,
- (b) a complaint is a Level 2 complaint, the complaint shall be referred to the chief executive officer of the Commission and
 - (i) the chief executive officer shall notify the Minister, and
 - (ii) the complaint shall be administered in accordance with sections 43 and 43.4,
- (c) a complaint is a Level 3 complaint, subject to the regulations, the complaint shall be administered in accordance with sections 43, 43.1, 43.5, 47 and 48,

- (d) a complaint is a Level 4 complaint, the complaint shall be forwarded to the chief of police of the relevant police service, who shall administer the complaint in accordance with any internal performance management procedures of the police service, any applicable collective agreement that has been entered into in respect of that police service and section 43.6, and
- (e) a complaint is a Level 5 complaint, the Police Review Commission shall forward the complaint to the relevant police service, who shall administer the complaint in accordance with sections 43 and 44.

(7) Subject to subsection (9), this section does not apply to a complaint against a member of the Royal Canadian Mounted Police.

(8) For greater certainty, and subject to subsection (9), if the Police Review Commission receives a complaint against a member of the Royal Canadian Mounted Police, the Police Review Commission shall forward the complaint to the Royal Canadian Mounted Police.

(9) If the Royal Canadian Mounted Police has agreed that complaints relating to members of the Royal Canadian Mounted Police shall be assessed and administered by the Police Review Commission, then despite anything to the contrary in this Act, this section and sections 42.1 and 43 to 48 apply to complaints relating to members of the Royal Canadian Mounted Police to the extent agreed on, with any necessary modifications.

29 Section 43 is repealed and the following is substituted:

Dismissal of complaints

43(1) The chief executive officer of the Police Review Commission shall dismiss any Level 2 or Level 3 complaint that is made more than one year after

- (a) the conduct complained of occurred, or
- (b) the complainant first knew or ought to have known that the conduct complained of had occurred, whichever occurs later.

29 Section 43 presently reads:

43(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.

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

(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

(2) Despite subsection (1), the chief executive officer of the Police Review Commission may extend the time for making a complaint in accordance with the regulations.

(3) If, at any time before or during an investigation into a Level 2 or Level 3 complaint, it appears to the chief executive officer of the Police Review Commission that

- (a) the complaint is frivolous, vexatious or made in bad faith, or
- (b) having regard to all the circumstances, the investigation or further investigation is not necessary or practicable,

the chief executive officer may dismiss the complaint.

(4) If a complainant in a Level 2 or Level 3 complaint refuses or fails to participate in an investigation, the chief executive officer of the Police Review Commission may dismiss the complaint.

(5) Where a Level 5 complaint is forwarded to a police service under section 42.2(6)(e) and it appears to the chief of the police service at any time that the complaint is frivolous, vexatious or made in bad faith, the chief of the police service may dismiss the complaint.

(6) If a complainant in a Level 5 complaint refuses or fails to participate in an investigation, the chief of the police service may dismiss the complaint.

(7) If the chief executive officer of the Police Review Commission or the chief of a police service decides under subsection (3), (4), (5) or (6) to dismiss a complaint, the chief executive officer or chief of police, as the case may be, 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

- (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 44, and*
- (b) as to the actions of a police officer shall be disposed of in accordance with sections 45 to 48.*
- (6) Where the chief of police initiates a complaint with respect to a police officer, the chief shall deal with it in the same manner as if it were made by another person and referred to the chief under subsection (1).*
- (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.*
- (9.1) If a complainant under subsection (2) or section 46(1) refuses or fails to participate in an investigation, 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.*
- (10.1) If a complainant under section 44(1) refuses or fails to participate in an investigation, the commission may dismiss the complaint.*
- (11) The chief of police, with respect to a complaint referred under subsection (1), or the commission, with respect to a complaint*

chief of police, to review the decision under section 20(1.1), or

- (ii) the commission in charge of the police service, 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 as if the complaint or portion of the complaint was a decision to dispose of a complaint under section 44(1).

(8) If the chief executive officer of the Police Review Commission dismisses a complaint under subsection (1), the chief executive officer shall notify the complainant and the police officer who is the subject of the complaint, if any, of the decision in writing.

(9) A request by a complainant under subsection (7)(b) for review of a decision of the chief executive officer of the Police Review Commission or the chief of a police service must be in writing and set out the complainant's reasons for requesting the review.

30 Section 43.1 is amended

- (a) in subsection (0.1) by striking out** “chief of police or the chair of the commission” **and substituting** “chief executive officer of the Police Review Commission”;

referred under subsection (2) or section 46(1), shall dismiss any complaint that is made more than one year after

- (a) the conduct complained of occurred, or*
- (b) the complainant first knew or ought to have known that the conduct complained of had occurred,*

whichever occurs later.

(12) If the commission decides under subsection (8), (9), (9.1), (10) or (10.1) 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.

30 Section 43.1 presently reads:

43.1(0.1) The chief of police or the chair of the commission shall, where appropriate, offer an alternative dispute resolution process to the complainant and the police officer who is the subject of the complaint prior to commencing a formal investigation of the complaint.

(b) in subsection (1) by striking out “chief may” and substituting “chief executive officer of the Police Review Commission may”;

(c) in subsection (2) by striking out “chair of the commission” and substituting “chief executive officer of the Police Review Commission”;

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

(3) This section does not apply to a Level 1 complaint or a Level 2 complaint that is being administered as a Level 1 complaint.

31 The following is added after section 43.1:

Level 1 complaints

43.2(1) For the purposes of subsection (2)(b)(ii), and subject to the regulations, “serious” means an allegation of conduct that, if true, violates federal or provincial legislation related to the administration of law or justice, or that would be a breach of trust or breach of public confidence by a police officer or police service.

(2) The chief of police as soon as practicable shall notify the relevant commission and the chief executive officer of the Police Review Commission 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.

(3) The chief executive officer of the Police Review Commission, when notified under subsection (2) or section 42.2 of an incident or complaint described in subsection (2), shall notify the Minister within a period of 24 hours.

(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.

31 Level 1 complaints; integrated investigative unit; level 2 complaints; level 3 complaints; level 4 complaints.

(4) The chief executive officer of the Police Review Commission, when notified under subsection (2) or section 42.2 of an incident or complaint, or on the chief executive officer's own initiative where the chief executive officer becomes aware of an incident or complaint described in subsection (2), shall do one or more of the following:

- (a) 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;
- (b) 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;
- (c) in accordance with section 43.3, direct the head of an integrated investigative unit to conduct an investigation into the incident or complaint, which may include taking over an ongoing investigation at any stage.

(5) The chief of police or officer in charge of a police service acting under subsection (4)(a) or (c), or a person appointed under subsection (4)(b), shall report as required to the chief executive officer of the Police Review Commission.

(6) If, during or on the conclusion of an investigation, the chief executive officer of the Police Review Commission forms 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 executive officer of the Police Review Commission shall
 - (i) refer the matter to the Minister of Justice, and
 - (ii) advise the commission and the chief of police of the police service under investigation of the findings of the investigation, unless the Minister of Justice otherwise directs,
- (b) a contravention of the regulations governing the discipline of police officers, but not an offence under an Act of the Parliament of Canada or the Legislature of

Alberta, the matter shall be administered in accordance with sections 43, 43.1, 43.5, 47 and 48, or

- (c) a matter of the policies of or services provided by the police service under investigation, the chief executive officer of the Police Review Commission shall refer the matter to the chief of the police service to be administered in accordance with sections 43 and 44.

(7) The Minister may authorize and provide for the payment of remuneration and expenses to a person appointed under subsection (4)(b).

(8) A chief of police or police officer in charge of another police service who is conducting an investigation under subsection (4)(a) or (c) has, for the purposes of assisting with or conducting that investigation, the same powers and duties as the Police Review Commission is prescribed by regulation.

(9) A chief of police or police officer in charge of another police service referred to in subsection (8) must advise a complainant, if any, in writing at least once every 45 days as to the status of the complaint.

(10) A copy of the document sent to a complainant under subsection (9) must be provided to the commission for the police service being investigated.

(11) Where a chief of police or police officer in charge of another police service carries out any functions pursuant to a request or direction made under subsection (4), that police officer may also be requested to present the case at a hearing of the complaint.

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

(13) The costs and expenses that result from

- (a) a request or direction made by the chief executive officer of the Police Review Commission under subsection (4)(a) or (c) shall be borne by the police service that is the subject of the investigation, unless otherwise directed by the Minister, and

- (b) an appointment by the chief executive officer under subsection (4)(b) shall be borne by the Government of Alberta.

(14) For the purposes of this section and section 43.5, “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.

Integrated investigative unit

43.3(1) The Minister may by order establish an integrated investigative unit and authorize it to act as another police service for the purposes of conducting an investigation under section 43.2 of this Act, or section 19(3) or (3.1) of the *Peace Officer Act*.

(2) The Minister may

- (a) designate a person as head of the integrated investigative unit, and
- (b) appoint peace officers appointed under the *Peace Officer Act* as investigators under the authority of the head of the integrated investigative unit.

(3) Subject to the terms of the Minister’s authorization under subsection (1), the head of the integrated investigative unit is deemed to be a chief of police, and any person acting as an investigator is deemed to be a police officer, for the purposes of section 43.2(5), (8), (9) and (10).

(4) Where the head of the integrated investigative unit is conducting an investigation under section 43.2(4)(c) of this Act or section 19(3) or (3.1) of the *Peace Officer Act* and becomes aware of a further incident that warrants investigating, the head of the integrated investigative unit may, on the individual’s own initiative, conduct an investigation into that further incident, which may include taking over an ongoing investigation at any stage.

(5) Where the head of the integrated investigative unit intends to conduct an investigation into a further incident in accordance with subsection (4), the head of the integrated investigative unit

shall notify the chief executive officer of the Police Review Commission and the Director as soon as possible.

Level 2 complaints

43.4(1) The chief executive officer shall assess a Level 2 complaint and, having regard to all the circumstances, shall decide whether to administer the complaint as a Level 1 complaint in accordance with the process set out in section 43.2 or as a Level 3 complaint in accordance with the process set out in sections 43, 43.1, 43.5, 47 and 48.

(2) Notwithstanding anything to the contrary in subsection (1), section 43 applies to a Level 2 complaint that the chief executive officer has decided to administer as a Level 1 complaint.

Level 3 complaints

43.5(1) Where the Police Review Commission has received a Level 3 complaint, subject to sections 42.2, 43 and 43.1, the chief executive officer of the Police Review Commission shall cause the complaint to be investigated.

(2) The chief executive officer of the Police Review Commission may make arrangements for another police service to provide the necessary police officers to conduct the investigation if, in the opinion of the chief executive officer, it would be in the public interest to have one or more police officers of another police service conduct the investigation.

(3) Where a police officer of another police service conducts an investigation according to arrangements made by the chief executive officer of the Police Review Commission under subsection (2), that police officer has, for the purpose of conducting the investigation, the same powers as the Police Review Commission is prescribed by regulation.

(4) Where the chief executive officer of the Police Review Commission has formed the opinion that a police officer

- (a) has committed a contravention of the regulations governing the discipline of police officers, the presiding officer appointed under section 47 shall conduct a hearing into the matter as it relates to that contravention, or

(b) has not committed a contravention of the regulations governing the discipline of police officers, the chief executive officer shall dismiss the complaint and shall advise the complainant of the disposition of the complaint, the grounds on which the disposition was made and of the right of appeal provided for under this Act.

(5) A complainant who receives a notice under subsection (4)(b) may appeal the matter to the Board within 30 days from the day the complainant was advised of the disposition of the complaint under subsection (4)(b) by filing with the secretary of the Board a written notice of appeal setting out the grounds on which the appeal is based.

(6) Notwithstanding subsection (4)(b), if the chief executive officer of the Police Review Commission is of the opinion that the alleged contravention is not of a serious nature, the chief executive officer may, subject to the regulations, dispose of the matter without conducting a hearing.

(7) Where the chief executive officer of the Police Review Commission disposes of a matter under subsection (6), the decision of the chief executive officer is final.

(8) If a complaint is being investigated under this section, the chief executive officer of the Police Review Commission must advise the complainant in writing at least once every 60 days as to the progress of the investigation.

(9) A copy of the document sent to the complainant under subsection (8) must be provided to the commission of the police service of the police officer.

Level 4 complaints

43.6(1) If it is determined during the administration of a Level 4 complaint that the actions of a police officer may constitute a Level 1, Level 2 or Level 3 complaint, the matter must be referred to the Police Review Commission to be dealt with in accordance with section 42.2.

(2) For greater certainty, the chief of a police service may dispose of a Level 4 complaint against a police officer in accordance with any internal performance management

procedures of the police service, and any applicable collective agreement that has been entered into in respect of that police service, without a complaint being made under this Part.

32 Section 45(2)(a) is amended by striking out “and Solicitor General”.

33 Section 45 is repealed.

32 Section 45(2)(a) presently reads:

(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, the chief shall refer the matter to the Minister of Justice and Solicitor General, or

33 Section 45 presently reads:

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.

(1) Where a complaint is a complaint as to the actions of a police officer other than the chief of police, subject to sections 43 and 43.1, the chief 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, the chief shall refer the matter to the Minister of Justice and Solicitor General, or

(b) a contravention of the regulations governing the discipline or the performance of duty of police officers, the chief 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, the chief of police, or a person designated by the chief of police who, pursuant to the regulations, is eligible to serve as the presiding officer at a hearing, shall conduct a hearing into the matter as it relates to that contravention.

34 Section 46(3)(a) is amended by striking out “and Solicitor General” wherever it occurs.

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

(4.1) Where the chief of police disposes of a matter under subsection (4), the decision of the chief of police is final.

(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.

(6) Where a police officer of another police service carries out any functions pursuant to arrangements made by the chair of the commission 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.

(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.

34 Section 46(3)(a) presently reads:

(3) If the chief of police or the police officer in charge of the police service requested or directed under subsection (2.1) 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

35 Section 46 is repealed.

- (i) refer the matter to the Minister of Justice and Solicitor General, and
- (ii) advise the commission of that chief's or police officer's findings, unless the Minister of Justice and Solicitor General otherwise directs,

35 Section 46 presently reads:

46(1) Where the chair of a commission receives a complaint as to the actions of the chief of police, subject to sections 43 and 43.1, 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 request or direct another police service to investigate the complaint.

(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.

(3) If the chief of police or the police officer in charge of the police service requested or directed under subsection (2.1) 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 Solicitor General, and*

36 Section 46.1(4)(a) is amended by striking out “and Solicitor General” wherever it occurs.

(ii) advise the commission of that chief's or police officer's findings, unless the Minister of Justice and Solicitor 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.

(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.

(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.

36 Section 46.1(4)(a) presently reads:

(4) If the chief of police or police officer in charge of the police service conducting an investigation under subsection (2)(b) or (d) 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 Solicitor 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 Solicitor General otherwise directs,

37 Sections 46.1 and 46.2 are repealed.

37 Sections 46.1 and 46.2 presently read:

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;*
- (d) in accordance with section 46.2, direct the head of an integrated investigative unit to conduct an investigation into the incident or complaint, which may include taking over an ongoing investigation at any stage.*

(3) A chief of police or police officer acting under subsection (2)(a), (b) or (d) 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) or (d) 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 Solicitor 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 Solicitor 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) or (d) 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.

(11) The costs and expenses that result from

- (a) a request or direction made by the Minister under subsection (2)(a), (b) or (d) shall be borne by the police service that is the subject of the investigation, unless otherwise directed by the Minister, and*
- (b) an appointment by the Minister under subsection (2)(c) shall be borne by the Government of Alberta.*

46.2(1) The Minister may by order establish an integrated investigative unit and authorize it to act as another police service for the purposes of conducting an investigation under section 46.1.

(2) The Minister may

- (a) designate a person as head of the integrated investigative unit, and*
- (b) appoint peace officers appointed under the Peace Officer Act as investigators under the authority of the head of the integrated investigative unit.*

(3) Subject to the terms of the Minister's authorization under subsection (1), the head of the integrated investigative unit is deemed to be a chief of police, and any person acting as an investigator is deemed to be a police officer, for the purposes of section 46.1(3), (4), (6), (7) and (8).

(4) Where the head of the integrated investigative unit is conducting an investigation under section 46.1(2)(d) and becomes aware of a further incident that warrants investigating, the head of the integrated investigative unit may, on his or her own initiative, conduct an investigation into that further incident, which may include taking over an ongoing investigation at any stage.

(5) Where the head of the integrated investigative unit intends to conduct an investigation into a further incident in accordance with subsection (4), the head of the integrated investigative unit shall notify the Director as soon as possible.

38 Section 47 is amended

- (a) by renumbering subsection (1) as subsection (1.1) and by adding the following before subsection (1.1):**

Conduct of hearing

47(1) In accordance with the regulations, the Police Review Commission shall appoint a roster of persons who may serve as presiding officers for the purposes of a hearing under this Part.

- (b) in subsection (1.1)**

(i) by striking out “section 45(3) or 46(4)” and substituting “section 43.5(4)(a)”;

(ii) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) the Police Review Commission shall select a presiding officer from the roster established under subsection (1);

(iii) in clauses (b), (c), (d), (d.1), (d.2), (e), (i) and (j)(i) and (ii) by striking out “person conducting the hearing” and substituting “presiding officer”;

(c) in subsection (2) by striking out “and Solicitor General” wherever it occurs;

(d) by repealing subsection (2);

(e) in subsection (3)

(i) by striking out “section 45(3) or 46(4)” wherever it occurs and substituting “section 43.5(4)(a)”;

(ii) by striking out “and Solicitor General”;

(iii) by striking out “section 45(2)(a) or 46(3)(a)” and substituting “section 43.2(6)(a)”;

(f) by repealing subsections (4) and (5) and substituting the following:

(4) On considering a matter that is the subject of a complaint, the presiding officer may dismiss the matter or, subject to the

38 Section 47 presently reads in part:

47(1) Where a hearing is proceeded with under section 45(3) or 46(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 King'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 King'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;*
 - (d.1) if a complainant fails to attend, to answer questions or to produce an item as required under clause (c) or refuses to participate or to follow processes or conducts himself or herself in an inappropriate manner, the person conducting the hearing may dismiss the matter;*
 - (d.2) if a witness fails to attend or to answer questions or refuses to participate or to follow processes or conducts himself or herself in an inappropriate manner, the person conducting the hearing may dismiss the witness and continue with the hearing;*
- (e) the person conducting the hearing may receive any evidence presented that the person considers relevant to the matter*

regulations, take any action against the person in respect of whom the complaint is made that the presiding officer considers proper in the circumstances.

(5) On making a decision after considering the matter in respect of which a complaint is made, the presiding officer shall advise in writing the person against whom the complaint is made, the complainant, the chief executive officer of the Police Review Commission and the chief of the relevant police service of the findings of the hearing and any action taken or to be taken under subsection (4) and the right of appeal provided for under this Act.

being heard and is not bound by the rules of law respecting evidence applicable to judicial proceedings;

- (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*

(2) Notwithstanding that the actions of a police officer have been referred to the Minister of Justice and Solicitor General under section 45(2)(a) or 46(3)(a), if the person who referred the matter to the Minister of Justice and Solicitor 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 45(3) or 46(4), as the case may be, unless the Minister of Justice and Solicitor General otherwise directs.

(3) Notwithstanding section 45(3) or 46(4), where a matter that is referred to the Minister of Justice and Solicitor General under section 45(2)(a) or 46(3)(a) is also to be proceeded with under section 45(3) or 46(4), the hearing of the matter under section 45(3) or 46(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 the chief's designate, in the case of a complaint under section 45, or*
- (b) the commission, in the case of a complaint under section 46,*

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 the chief's designate, in the case of a complaint under section 45, or*
- (d) the commission, in the case of a complaint under section 46,*

considers proper in the circumstances.

39 Section 47.1 is repealed.

40 Section 49 is amended by adding “1(d.1), 42.1 and” after “sections”.

41 Section 52 is amended by striking out “A police service shall, in respect of a complaint made under section 44, 45 or 46.1, and the commission shall, in respect of a complaint made under section 46” and substituting “The Police Review Commission in respect of a Level 1, Level 2 or Level 3 complaint, or the chief of the police service in respect of a Level 4 or Level 5 complaint, shall”.

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

(a) the chief of police, in the case of a complaint under section 45, or

(b) the commission, in the case of a complaint under section 46,

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

(c) of the findings of the hearing and any action taken or to be taken under subsection (4), or

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

and of the right of appeal provided for under this Act.

39 Section 47.1 presently reads:

47.1 The amendments to section 47 made by the Police Amendment Act, 2005 (No. 2) apply only to hearings that commence after the coming into force of that Act.

40 Section 49 presently reads:

49 Notwithstanding sections 43 to 48 and subject to any agreement entered into between the Government of Canada and the Government of Alberta or a municipality, as the case may be, any complaints in Alberta with respect to members of the Royal Canadian Mounted Police shall be resolved in accordance with the laws governing complaints and discipline within the Royal Canadian Mounted Police.

41 Section 52 presently reads:

52 A police service shall, in respect of a complaint made under section 44, 45 or 46.1, and the commission shall, in respect of a complaint made under section 46, at the end of the month in which the complaint is made or within a longer period of time as prescribed by the Director of Law Enforcement, advise the Director of the complaint and, after the disposition of the complaint, advise the Director as to how the complaint was disposed of and provide any other information respecting the investigation requested by the Director in a manner acceptable to and within a time period specified by the Director.

42 Section 52.1 is repealed.

43 The following is added before the heading to Part 6:

Transitional

52.2 If an investigation into a complaint began prior to the coming into force of this section, the complaint must be investigated and administered under the Act as it read immediately before the coming into force of this section.

44 Section 58 is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following after clause (b):

- (c) by serving the notice or document by electronic means,
 - (i) on the Chair or secretary of 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),

regardless of whether the recipient acknowledges receipt of the notice or document.

42 Section 52.1 presently reads:

52.1 Despite any decision of a court to the contrary made before or after the coming into force of this section,

- (a) a hearing conducted under this Part,*
- (b) a decision made pursuant to a hearing conducted under this Part, and*
- (c) everything done in respect of a hearing conducted under this Part*

by a former police officer or a former member of the judiciary, including a former judge of the Court of King's Bench or the Provincial Court, on or after May 1, 2011 and before the coming into force of this section, is not invalid by reason of the presiding officer conducting the hearing being a former police officer or a former member of the judiciary, including a former judge of the Court of King's Bench or the Provincial Court.

43 Transitional.

44 Section 58 presently reads:

58 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 Chair 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).*

45 Section 59(2) is amended by striking out “section 28(2)(b)” and substituting “section 28(2)”.

46 Section 61(1) is amended

(a) by repealing clause (c) and substituting the following:

- (c) respecting the establishment of municipal and regional policing committees;
- (c.1) governing the powers, duties and functions of commissions, the Provincial Police Advisory Board and policing committees;
- (c.2) governing, subject to this Act, the training that must be undertaken by members of commissions, the Provincial Police Advisory Board and policing committees, which may include training on human rights and diversity, conflict resolution, inherent bias, vulnerable populations and Alberta’s social history;
- (c.3) defining Metis community for the purposes of section 28.01(4)(b)(ii);
- (c.4) establishing and respecting regional governance zones for the purposes of section 28.04;
- (c.5) respecting the establishment of the priorities of a police service under section 31(1) and reporting relating to those priorities;

(b) by adding the following after clause (f):

- (f.1) governing and respecting the Police Review Commission, including respecting the intake and assessment of complaints, the conduct of investigations, the calling and conduct of hearings, the appointment of staff, information sharing and the release of information by the Commission;
- (f.2) governing the conditions in which the chief executive officer of the Police Review Commission may extend the time for making a complaint under section 43(2);

45 Section 59(2) presently reads:

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

46 Section 61(1) presently reads in part:

61(1) The Lieutenant Governor in Council may make regulations

(c) governing, subject to this Act, the training of police commissions and municipal policing committees, and the responsibility and duties of police commissions and municipal policing committees;

(g) governing investigations, including investigations by another police service or an integrated investigative unit of police officers;

- (f.3) governing and respecting the administration of Level 4 complaints;
- (f.4) addressing any impossibility or difficulty with applying sections 42.1 to 48 to members of the Royal Canadian Mounted Police;
- (c) in clause (g) by adding “generally” after “governing investigations”;**
- (d) by adding the following after clause (g.01):**
 - (g.02) governing and respecting the roster of persons who may serve as presiding officers for the purposes of a hearing, the appointment of persons to the roster and the selection of a presiding officer for the purposes of a hearing;
- (e) by adding the following after clause (g.1):**
 - (g.2) defining “serious” or “sensitive” for the purposes of sections 42.2 and 43.2;
- (f) by adding the following after clause (l):**
 - (m) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the amendments to this Act made by the *Police Amendment Act, 2022*.

47 Section 62(1) is amended

- (a) by adding the following after clause (e):**
 - (e.1) governing information sharing and the release of information by members of the Provincial Police Advisory Board;
- (b) by adding the following after clause (g):**
 - (g.1) respecting the membership, the processes and the procedures of the Provincial Police Advisory Board, of municipal policing committees and of regional policing committees;
 - (g.2) providing for and respecting background and security checks for members of police commissions, the Provincial Police Advisory Board and municipal and regional policing committees;

47 Adds to Minister's regulation-making authority.

Amends SA 2006 cP-3.5

48(1) The *Peace Officer Act* is amended by this section.

(2) Section 19 is amended

(a) in subsection (1)(b) by adding “that may be” before “of a serious or sensitive nature”;

(b) in subsection (3) by striking out “police service or other person” and substituting “police service, the integrated investigative unit established under section 43.3 of the *Police Act* or any other person”;

(c) by adding the following after subsection (3):

(3.1) The Director must request the integrated investigative unit established under section 43.3 of the *Police Act* to conduct an investigation when

(a) an incident occurs involving serious injury to or the death of any person that may have resulted from the actions of a peace 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 peace officer, or

(ii) there is any matter of a serious or sensitive nature related to the actions of a peace officer.

(d) in subsection (4) by striking out “police service or other person conducts an investigation of an incident or matter under subsection (3)” and substituting “police service, the integrated investigative unit established under section 43.3 of the *Police Act* or any other person conducts an investigation under subsection (3) or (3.1)”.

Amends RSA 2000 cP-18

49(1) The *Police Officers Collective Bargaining Act* is amended by this section.

48(1) Amends chapter P-3.5 of the Statutes of Alberta, 2006.

(2) Section 19 presently reads in part:

19(1) An authorized employer must provide a report to the Director, as soon as the authorized employer becomes aware of it, about

(b) any matter of a serious or sensitive nature related to the actions of a peace officer.

(3) The Director may request a police service or other person to conduct an investigation into an incident or matter, or to take over an investigation.

(4) If the Director conducts an investigation of an incident or matter under subsection (2), or a police service or other person conducts an investigation of an incident or matter under subsection (3), the Director must notify the peace officer who is the subject of the investigation and the peace officer's authorized employer in writing

(a) at least once every 45 days as to the status of the investigation until the investigation is concluded, and

(b) as to the results of the investigation.

49(1) Amends chapter P-18 of the Revised Statutes of Alberta 2000.

(2) Section 21(a)(i) is amended by adding “*with the exception of a difference concerning a matter that would be categorized as a Level 4 complaint under section 42.2(4) of the Police Act,*” **after** “*apply,*”.

(3) Section 26(1) is amended by adding “*with the exception of a difference concerning a matter that would be categorized as a Level 4 complaint under section 42.2(4) of the Police Act,*” **after** “*apply,*”.

50 This Act, except for sections 5, 11, 12(b) and (c)(i), 32, 34, 36, 38(c) and (e)(ii) and 42, comes into force on Proclamation.

(2) Section 21(a)(i) presently reads in part:

21 If a collective agreement does not contain the provisions required under section 20, the collective agreement is deemed to contain those of the following provisions in respect of which it is silent:

(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,

(3) Section 26(1) presently reads in part:

26(1) Where a question arises between the parties over whether a matter is a difference as to the interpretation, application, operation, contravention or alleged violation of the collective agreement or is a matter to which the Police Act and the regulations under that Act apply, either party or any arbitrator before whom the matter arises on the arbitrator's own motion may, by application, refer the matter to a judge of the Court of King's Bench.

50 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To