

# BILL

No. 35 of 1919.

An Act respecting the Police of the Province of Alberta.

(Assented to , 1919.)

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

## SHORT TITLE.

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

## INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

- (a) "Minister" means the Attorney General or other Minister appointed to have control and management of the police of the province and charged with the administration of this Act;
- (b) "Alberta Provincial Police", "Member of the Force" or "Member" means and includes the Alberta Provincial Police and the Commissioner and every other officer and man of the Alberta Provincial Police Force;
- (c) "Provincial Constable" means any constable appointed as a member of the Alberta Provincial Police;
- (d) "Municipality", unless the context otherwise indicates, means and includes a city, town, village or municipal district;
- (e) "Municipal Constable" means a constable appointed for any municipality by resolution or by-law of the council of such municipality or in other manner provided for by charter or special Act applicable to such municipality.

3. The Alberta Provincial Police Force, as established under *The Alberta Provincial Police Act*, being chapter 4 of the Statutes of Alberta, 1917, shall continue to be a police force duly constituted for the Province of Alberta, and shall be known as the Alberta Provincial Police Force, with headquarters in the City of Edmonton.

4. The Attorney General, or such other Minister as may from time to time be appointed by the Lieutenant Governor in Council, shall, subject to the provisions herein contained, have the control of the Force and of the Commissioner and of all matters and persons connected with the administration of this Act.

5. The Force shall be directed by a commissioner to be known as the Commissioner of Police for Alberta who shall be appointed by the Lieutenant Governor in Council, and such appointment shall be during pleasure.

6. The Commissioner may appoint such persons and make such distinctions in rank as in his opinion shall be necessary for the efficient working of the Force, and he shall appoint such number of provincial constables as he thinks proper from time to time not exceeding in all five hundred men and may employ any other persons to do such acts, matters and things as may be necessary for the efficient working of the Force.

7. Every member of the Force shall be *ex officio* a game guardian under the provisions of chapter 14, 1907, being *An Act for the Protection of Game*; a fire guardian under the provisions of chapter 87 of The Consolidated Ordinances of the Territories, 1898, being *The Prairie Fires Ordinance*; an attendance officer under the provisions of *The School Attendance Act*; an inspector under the provisions of chapter 15, 1907, being *An Act respecting Noxious Weeds*; an inspector under the provisions of chapter 6, 1911-12, being *An Act to Regulate the Speed and Operation of Motor Vehicles on Highways*; an inspector under the provisions of chapter 25, 1911-12, being *The Theatres Act*; an inspector under the provisions of chapter 24, 1911-12, being *An Act to Regulate Pool Rooms*; an inspector under *The Factories Act* of 1917; and every member of the Force shall have all the powers necessary for the enforcement of the provisions of any of such Acts.

#### OATHS

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

"I, A.B., of the.....solemnly swear that I will faithfully, diligently and impartially execute and perform the duties required of me as a Provincial Constable and as a member of the Alberta Provincial Police; and will

well and truly obey and perform all lawful orders and instructions which I shall receive as such, without fear, favour or affection for or towards any person. So help me God."

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

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

9. It shall be the duty of the members of the Force, subject to the orders of the Commissioner—

(a) To perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the laws in force in the Province of Alberta, and the apprehension of criminals and offenders and others who may be lawfully taken into custody;

(b) To execute all warrants and perform all duties and services thereunder or in relation thereto, which may under the laws in force in the Province of Alberta be lawfully executed and performed by constables;

(c) To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and lunatics to or from any courts, places of punishment or confinement, asylums or other places, and generally to perform such duties as may from time to time be assigned to them by the Commissioner.

10. Whenever any member of the Force believes that liquor intended for sale or to be kept for sale or otherwise in violation of chapter 4 of the Statutes of Alberta, 1916, being *The Liquor Act*, is contained in any room, shop, store, hut, tent, wigwam, or building, place or enclosure, vehicle or means of conveyance of any description, such member of the Force shall have power when authorized so to do by an order from the Commissioner, or by any warrant duly issued by any police magistrate or justice of the peace for the Province of Alberta to enter and search any such places hereinbefore mentioned and to seize and destroy forthwith any liquor found therein.

11. Whenever any member of the Force has reason to believe that liquor is being dealt with contrary to *The Liquor Act* he may detain and search any person whom he believes to be conducting an illicit traffic in liquor and may seize any liquor found on his person and may detain any vessel, canoe, carriage, wagon, cart, sleigh, automobile or

other vehicle or means of conveyance of any description in which such liquor is supposed to be contained and search all parts thereof, and any kegs, barrels, cases, boxes, or packages, or receptacles of any kind, for spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind, and may break and destroy any such kegs, barrels, cases, boxes or packages, or other receptacles of any kind found containing the same, and notwithstanding anything contained in the said Liquor Act, may forthwith pour out and destroy all such spirits, strong waters, spirituous liquors, wines or fermented or compounded liquors or intoxicating drink.

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

(3) A member of the Force or any person acting under instructions given by the Minister or the Commissioner of Police shall not be convicted of a violation of *The Liquor Act* if it is made to appear to the justice or magistrate before whom the complaint is heard that the person charged with any such offence committed the same pursuant to such instructions for the purpose of obtaining evidence.

(4) A certificate signed by the Minister or the Commissioner of Police shall be accepted by the justice of the peace or police magistrate before whom such person may be charged as conclusive evidence of the fact that such person so charged was duly instructed.

**12.** In all cases of punishment by imprisonment for offences or breaches of discipline under this Act or any regulations made thereunder, the pay of the offender shall be forfeited during the period of punishment.

#### DISPOSITION OF PENALTIES.

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

## INQUIRIES.

14. Whenever the Commissioner deems it advisable to make any special inquiry into the conduct of any member of the Force or into any complaint against any member, or into any complaint respecting the enforcement of any penal law in force in the province by a member of the Force, he may examine any person under oath or affirmation and may compel the attendance of any witness in the same manner as if the proceedings were before a justice of the peace under part XV of *The Criminal Code*.

15. The Commissioner may make, alter and rescind regulations affecting the government, discipline and guidance of the Force, which regulations, when approved of by the Minister, shall have the same force and effect as this Act and shall be deemed to be a part thereof, so long as they remain in force.

## CLASSIFICATION.

16. The salaries of all persons appointed by the Commissioner under this Act shall be fixed by the Commissioner subject to approval of the Lieutenant Governor in Council; provided, however, that the Commissioner may appoint and pay for a period of one month without such approval as aforesaid any person temporarily employed on the Force for any purpose under the provisions of this Act.

17. Every provincial constable shall, upon appointment to the Force, sign articles of engagement for a term of service not less than two years, and such engagement shall be made with the Commissioner and may be enforced by him.

(2) A provincial constable may be suspended, and may be discharged by the Commissioner at any time before the expiration of the said term, and any provincial constable shall be at liberty to purchase his discharge at any time during the said term on payment of the sum of \$50.

## EXPENDITURES.

18. All sums of money required under the foregoing provisions of this Act shall be paid out of the general revenue fund of the province.

## MUNICIPAL POLICE—ORGANIZATION.

19. In every municipality a municipal police force consisting of one or more municipal constables shall be maintained by and at the expense of the municipality.

(2) The Attorney General may at any time require any municipality to appoint municipal constables where he considers same desirable or necessary, and in the event of the municipality neglecting or refusing to appoint such constables the Attorney General may make such appointments, the salaries of constables so appointed shall be paid by the municipality.

(3) The clerk or secretary-treasurer of every city and town shall forward to the Commissioner of Police a statement showing the full name, post office address and telephone number, if any, of the chief constable of such city or town, and the secretary-treasurer of each village and municipal district shall forward to the Commissioner the name, post office address and location of the place of residence of each constable appointed by such village or municipal district.

In the case of constables appointed by villages and municipal districts, the Commissioner shall furnish to each such constable a badge of office to be worn by such constable when on duty.

(4) The council of every municipality shall provide police lockup accommodation sufficient for the requirements of such municipality.

#### UNORGANIZED TERRITORY.

**20.** The Attorney General may appoint in any improvement district one or more constables for the enforcement of law and order therein and the wages of such constable or constables may be paid by the Department of Public Works as in the case of expenditure for roads within such district.

#### POWERS AND DUTIES.

**21.** Every municipal constable and every constable appointed by the Attorney General for a local improvement district shall, within the limits of the territory for which he is appointed, or where acting outside of such limits upon the request of the Commissioner of Police or any provincial constable, have and possess all the powers of a provincial constable as defined by this Act.

(2) Every municipal constable shall be entitled to collect and retain for his own use and benefit all fees, costs and other charges as provided for by section 770 of *The Criminal Code*, or any provincial Act or municipal by-law, unless it is otherwise provided by resolution or by-law of the council of the municipality for which the constable is appointed.

22. Every municipal constable shall, upon request of the Commissioner of Police, deliver to any person designated by him all warrants, papers, exhibits, photographs and other information or records in the possession or under the control of such constable, dealing with any criminal case which is the subject of investigation by the Alberta Provincial Police.

COMMENCEMENT.

23. This Act shall come into force and effect on a day named by proclamation of the Lieutenant Governor in Council.

REPEAL.

24. Immediately on the coming into force of this Act, *The Alberta Provincial Police Act*, being chapter 4 of the Statutes of 1917, shall be deemed to be repealed.

No. 35.

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SECOND SESSION  
FOURTH LEGISLATURE  
9 GEORGE V  
1919

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BILL

An Act respecting the Police of the  
Province of Alberta.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. BOYLE.

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EDMONTON:  
J. W. JEFFERY, KING'S PRINTER  
A. D. 1919