



Province of Alberta

## **POLICE ACT**

Revised Statutes of Alberta 2000  
Chapter P-17

Current as of April 1, 2023

Office Consolidation

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## **Note**

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

## **Amendments Not in Force**

This consolidation incorporates only those amendments in force on the current as of date shown on the cover. It does not include the following amendments:

2022 c22 s2 repeals and substitutes the enacting clause; s3 amends s1; s4 adds s1.1; s6 amends s3.1; s7 amends s6; s8 amends s8(2); s9 amends s9; s10 amends s14; s12(a) and (c)(ii) amends s17; s13 amends s18; s14 amends s19; s15 amends s20; s16 repeals ss20.1 and 23; s17 amends s25; s19 adds ss28.01 to 28.06; s20 repeals ss28.1, 28.2 and 28.3; s21 amends s30; s22 amends s31(1); s23 amends s32; s24 amends s37(4); s25 amends s41; s26 adds s42.01; s27 amends s42.1; s28 adds s42.2; s29 repeals and substitutes s43; s30 amends s43.1; s31 adds ss43.2 to 43.6; s33 repeals s45; s35 repeals s46; s37 repeals ss46.1 and 46.2; s38(a), (b), (d), (e)(i) and (iii) and (f) amends s47; s39 repeals s47.1; s40 amends s49; s41 amends s52; s43 adds s52.2; s44 amends s58; s45 amends s59(2); s46 amends s61(1); s47 amends s62(1).

## Regulations

The following is a list of the regulations made under the *Police Act* that are filed as Alberta Regulations under the Regulations Act

Alta. Reg.	Amendments
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### Police Act

Collection of Information Voluntarily Provided by the Public .....	147/2021
Exempted Areas Police Service Agreements .....	164/2014
Police Funding .....	7/2020
Police Service.....	356/90 ..... 53/2003, 31/2007, 136/2008, 44/2011, 170/2012, 22/2014, 114/2014, 251/2020, 228/2021, 216/2022, 218/2022, 76/2023



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

### **Definitions**

**1** In this Act,

- (a) “Board” means the Law Enforcement Review Board;
- (b) “Chair” means the Chair of the Board;

- (c) “commission” means a police commission established under section 25, 28 or 33.1(2);
- (d) “complainant” means a person who makes a complaint under section 42.1;
- (d.1) “complaint” means a complaint under section 42.1;
- (e) “council” means
  - (i) the council of a city, town, village, summer village, specialized municipality, municipal district or Metis settlement;
  - (ii) in the case of a hamlet, the council of the municipal district in which the hamlet is situated;
  - (iii) in the case of an improvement district, the Minister responsible for the *Municipal Government Act*;
  - (iv) in the case of a special area, the Minister responsible for the *Special Areas Act*;
- (f) “Director” means the Director of Law Enforcement appointed under section 8;
- (f.1) “First Nation” means a band as defined in the *Indian Act* (Canada);
- (f.2) “First Nation police service” means a police service established under Part 3.1;
- (g) “Minister” means the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (h) “municipal police service” means a police service established under section 27;
- (i) “municipality” means a city, town, village, summer village, specialized municipality or municipal district and includes a Metis settlement;
- (j) “peace officer” means a person employed for the purposes of preserving and maintaining the public peace;
- (k) “police officer” means an individual who
  - (i) is appointed under section 36 as a police officer or a chief of police,



- (ii) is a member of the Royal Canadian Mounted Police,
- (ii.1) is appointed under section 5 as a police officer,
- (iii) is a member of the provincial police service, or
- (iv) is a member of a First Nation police service;
- (l) “police service” means
  - (i) a regional police service;
  - (ii) a municipal police service;
  - (iii) the provincial police service;
  - (iv) a police service established under an agreement made pursuant to section 5;
  - (v) a First Nation police service;
- (m) “policing committee” means a policing committee established under section 23;
- (n) “provincial police service” means the Royal Canadian Mounted Police where an agreement is entered into under section 21(1);
- (o) repealed 2010 c21 s2;
- (p) “regional police service” means a police service established under section 24.
- (q) repealed 2006 cP-3.5 s38.

RSA 2000 cP-17 s1;2005 c31 s2;2006 cP-3.5 s38;  
2010 c21 s2;2020 c37 s2

## **Part 1**

### **Administration**

#### **Responsibility of Ministers**

**2(1)** The Minister is charged with the administration of this Act.

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

RSA 2000 cP-17 s2;2005 c31 s3;2013 c10 s34;2022 c22 s5

**Responsibility of Government for policing**

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

RSA 2000 cP-17 s3;2005 c31 s4

**Minister's responsibility for policing standards**

**3.1** The Minister may, subject to the regulations,

- (a) establish standards for
  - (i) police services,
  - (ii) police commissions, and
  - (iii) policing committees,
- and
- (b) ensure that standards are met.

2005 c31 s5;2005 c43 s2

**Responsibility for providing policing services**

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

- (a) every municipal district and, subject to subsection (6), a specialized municipality, and
- (b) every town, village and summer village that has a population that is not greater than 5000,

shall, subject to subsection (3), receive general policing services provided by the provincial police service and shall pay a cost for these services if required by the regulations.

**(1.1)** As part of providing provincial policing services generally, every Metis settlement shall, subject to subsection (3), receive general policing services provided by the provincial police service at no direct cost to the Metis settlement.

**(2)** Notwithstanding subsections (1) and (1.1), a municipality referred to in subsection (1) or (1.1) may, for the purpose of providing policing services specifically for the municipality, do one of the following:

- (a) engage the provincial police service as a municipal police service under section 22(1);
- (b) enter into an agreement for the provision of municipal policing services under section 22(3);

(c) establish a regional police service under section 24;

(d) establish a municipal police service under section 27.

**(3)** Subsections (1) and (1.1) do not apply to a municipality while it is receiving municipal policing services pursuant to subsection (2).

**(4)** Repealed 2005 c31 s6.

**(5)** A city, town, village or summer village that has a population that is greater than 5000 shall, for the purpose of providing policing services specifically for the municipality, do one of the following:

(a) enter into an agreement for the provision of municipal policing services under section 22(2) or (3);

(b) establish a regional police service under section 24;

(c) establish a municipal police service under section 27.

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

RSA 2000 cP-17 s4;2005 c31 s6;2019 c18 s11

### Exceptions

**5(1)** The Minister may

(a) exempt any part of Alberta from the operation of all or any provision of this Act, and

(b) make any arrangements or agreements the Minister considers proper for the policing of that part of Alberta exempted under clause (a), including appointing police officers.

**(2) and (3)** Repealed 2005 c31 s7.

**(4)** When a town, village or summer village attains a population that is greater than 5000, that municipality shall assume responsibility for providing its policing services under section 4(5) on April 1 in the 2nd year following the year

(a) in which it was determined that the municipality had attained a population that is greater than 5000, or

(b) in the case where an order is made under subsection (5), in which the Minister is satisfied that the population of the municipality will continue to remain in excess of 5000.

(5) Notwithstanding subsection (4), if the Minister is of the opinion that the population of a municipality referred to in subsection (4) will not remain in excess of 5000, the Minister may by order exempt that municipality from the operation of subsection (4) until the Minister is satisfied that the population of the municipality will continue to remain in excess of 5000.

RSA 2000 cP-17 s5;2005 c31 s7

#### **Determination of population**

**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*.

RSA 2000 cP-17 s6;2020 c37 s2

#### **Hamlets, improvement districts and special areas**

**7** This Act and the regulations apply to

- (a) a hamlet as if it were a village, and
- (b) an improvement district or special area as if it were a municipal district.

1988 cP-12.01 s7

#### **Director of Law Enforcement**

**8(1)** In accordance with the *Public Service Act*, there shall be appointed a Director of Law Enforcement.

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

- (a) monitoring police services to ensure that adequate and effective policing is maintained both municipally and provincially;
- (a.1) monitoring the handling by chiefs of police and commissions of complaints;
- (b) developing and promoting crime prevention and restorative justice programs;
- (c) developing and promoting programs to enhance professional practices, standards and training for police services, commissions and policing committees;
- (d) assisting in the co-ordination of policing services;
- (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;

- (f) developing, maintaining and managing programs and statistical records and conducting research studies in respect of offences and enforcement practices.

RSA 2000 cP-17 s8;2005 c31 s8;2006 cP-3.5 s38;  
2010 c21 s3

## **Part 2**

### **Law Enforcement Review Board**

#### **Law Enforcement Review Board**

**9(1)** The Lieutenant Governor in Council shall establish a board to be known as the “Law Enforcement Review Board” composed of not fewer than 3 members appointed by the Lieutenant Governor in Council.

**(2)** At least one member of the board shall be an active member of The Law Society of Alberta.

**(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.

**(4)** Notwithstanding that the term of office of a member of the 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.

**(5)** The members of the Board shall be paid

- (a) fees or remuneration, and
- (b) expenses for subsistence and travelling while absent from their ordinary places of residence in the course of their duties as members of the Board,

as prescribed by the Lieutenant Governor in Council in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

**(6)** If regulations under the *Alberta Public Agencies Governance Act* apply in respect of fees, remuneration or expenses to be paid to members of the Board, those regulations prevail, to the extent of

any conflict or inconsistency, over any regulations prescribing fees, remuneration or expenses under subsection (5).

RSA 2000 cP-17 s9;2009 cA-31.5 s65

#### **Board Chair**

**10(1)** The Lieutenant Governor in Council shall designate one of the members of the Board who is an active member of The Law Society of Alberta as Chair of the Board.

**(1.1)** The Chair may designate a member of the Board to be acting Chair when the Chair is absent.

**(1.2)** An acting Chair has all the functions, powers and duties of the Chair, unless the designation provides otherwise.

**(2)** If the Chair is unable to act as Chair for any reason and is unable to designate a member as acting Chair under subsection (1.1), the member in attendance with the longest period of service on the Board shall act in the place of the Chair.

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

RSA 2000 cP-17 s10;2005 c43 s3

#### **Vacancies on Board**

**11(1)** When any member of the Board

- (a) is absent from Alberta, or
- (b) in the opinion of the Lieutenant Governor in Council, is by reason of illness or any other cause incapable of performing the member's duties,

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

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

1988 cP-12.01 s11

#### **Signing of documents**

**12** An order or other document setting out a decision, recommendation or direction of the Board may be signed by the

Chair or acting Chair and shall be admitted in evidence as proof, in the absence of evidence to the contrary,

- (a) that the decision, recommendation or direction is that of the Board, and
- (b) that the person signing the order or other document was authorized to do so at the time of the signing,

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

1988 cP-12.01 s12

#### **Board secretary**

**13(1)** The Minister may appoint a secretary to the Board, who shall

- (a) keep a record of all proceedings conducted before the Board;
- (b) have the custody and care of the records and documents of the Board;
- (c) act as a registrar of all notices of appeal and complaints received by the Board;
- (d) prepare reports required by the Minister or the Chair of the Board.

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

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

- (a) the Lieutenant Governor in Council shall prescribe the fees or remuneration to be paid to the secretary, and
- (b) the secretary shall be paid expenses as prescribed by regulation for subsistence and travelling while absent from the secretary's ordinary place of residence in the course of the secretary's duties as the secretary to the Board.

1988 cP-12.01 s13;1994 cG-8.5 s54

#### **Annual report**

**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.

1988 cP-12.01 s14;1994 cG-8.5 s54

**Legal counsel**

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

RSA 2000 cP-17 s15;2013 c10 s34;2022 c22 s11

**Powers of Board**

**16** The Board and each member of the Board have

- (a) all the powers of a commissioner appointed under the *Public Inquiries Act*, and
- (b) the powers given to the Board under the regulations.

1988 cP-12.01 s16

**Jurisdiction of the Board**

**17(1)** The Board

- (a) may, on its own motion, conduct inquiries respecting complaints,
- (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,
- (c) shall at the request of the Minister conduct inquiries in respect of any matter respecting policing or police services, and
- (d) shall conduct appeals under section 21 of the *Peace Officer Act*.

**(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.

**(3)** Notwithstanding that the actions of the police officer have been referred to the Minister of Justice 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 directs otherwise.

RSA 2000 cP-17 s17;2005 c31 s9;2006 cP-3.5 s38;  
2010 c21 s4;2013 c10 s34;2022 c22 s12



**Appeal to Court of Appeal**

**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.

RSA 2000 cP-17 s18;2008 c23 s2;2014 c13 s36

**Conduct of Board business**

**19(1)** The Board shall hold meetings as it considers necessary.

**(2)** The Board may hold sittings and conduct appeals or inquiries at any place in Alberta.

**(3)** The Chair, or the secretary to the Board at the direction of the Chair, may

- (a) arrange for matters to be set down before the Board;
- (b) adjourn matters set down before the Board;
- (c) perform the administrative functions that are necessary to enable the Board to carry out its duties under this Act or the *Peace Officer Act*.

**(4)** Repealed 2005 c43 s4.

RSA 2000 cP-17 s19;2005 c43 s4;2006 cP-3.5 s38

**Panels**

**19.1(1)** The Chair may designate any 2 or more members of the Board, which may include the Chair, to sit as a panel of the Board and may direct that panel to conduct any appeal, inquiry or review that the Board may conduct.

**(2)** A quorum of a panel is 2 members.

**(3)** Notwithstanding subsections (1) and (2), where the Chair considers it appropriate to do so, the Chair may designate one member of the Board, which may include the Chair, to sit as a panel of the Board to deal with preliminary or procedural matters incidental to an appeal, inquiry or review.

**(4)** A decision made or action taken by a panel is a decision or action of the Board.

(5) A panel of the Board may exercise and perform all the powers and duties of the Board under this Act or any other enactment with respect to the matter it is directed to deal with.

(6) For the purposes of subsection (5), any reference to the Board in this Act or any other enactment is a reference to a panel of the Board.

(7) If the Chair is not a member of a panel, the Chair must designate one of the members of the panel to preside over the panel.

(8) When an appeal, inquiry or review is conducted by a panel and one or more members of the panel for any reason do not attend on any day or part of a day, the remaining members present may, if they constitute a quorum, exercise and perform all the powers and duties of the panel with respect to that appeal, inquiry or review.

(9) Two or more panels may sit simultaneously or at different times.

2005 c43 s5

#### **Review and hearing**

**19.2(1)** Prior to scheduling an appeal for a hearing, the Board shall, within 30 days of receipt of written notice of the appeal, review the written notice of appeal and the record of the hearing and may

- (a) dismiss the matter if in the opinion of the Board the appeal is frivolous, vexatious or made in bad faith, or
- (b) notwithstanding section 20(2)(b), make a decision in respect of the appeal based on the review of the record and consideration of the factors set out in the regulations respecting appeals, without conducting a hearing.

(2) Where the Board is unable to dismiss or conclude an appeal in accordance with subsection (1), the Board may schedule a hearing of the appeal.

(3) The Board may give directions to the affected parties in respect of a review or a hearing and may extend or modify its directions on reasonable request by a party.

2010 c21 s5

#### **Dismissal by Board**

**19.3** The Board may dismiss an appeal if a direction given by the Board under section 19.2(3) has not been complied with by a party or if a party has not responded to the Board's direction.

2010 c21 s5

**Matters governing hearings, inquiries and appeals**

**20(1)** For the purpose of conducting an appeal or an inquiry before the Board, the following applies:

- (a) a notice in writing of the time, place and purpose of the appeal or inquiry shall be served on the person who is the subject of the appeal or inquiry at least 10 days before the commencement of the appeal or inquiry;
- (b) a notice in writing of the time, place and purpose of the appeal or inquiry shall be served at least 10 days before the commencement of the appeal or inquiry on any other person, in addition to the person referred to in clause (a), as the Board directs;
- (c) the Board has, with respect to the holding of an appeal or an inquiry, the same power as is vested in the Court of 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) 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;
- (e) if a person fails to attend, to answer questions or to produce an item as required under clause (c) or (d), the Board may
  - (i) with respect to that person, exercise its power of contempt as provided under the *Public Inquiries Act*, or
  - (ii) where it is unable to exercise the power of contempt referred to in subclause (i), apply to the Court of 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;

- (e.1) if a complainant fails to attend, to answer questions or to produce an item as required under clause (c) or (d) or refuses to participate or to follow processes or conducts himself or herself in an inappropriate manner, the Board may dismiss the matter;
- (e.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 Board may dismiss the witness and continue with the matter;
- (f) the Board may accept any evidence that the Board considers to be relevant to the determination of the issues and is not bound by the rules of law respecting evidence applicable to judicial proceedings;
- (g) in the case where the Board is conducting an appeal, the Board may
  - (i) receive new evidence that was not available, or
  - (ii) refuse to receive new evidence if, in the opinion of the Board, that evidence was available but not presented,when the matter was initially heard or considered;
- (h) repealed 2005 c43 s6;
- (i) all oral evidence received shall be taken down in writing or recorded by electronic means;
- (j) all the evidence taken down in writing or recorded by electronic means and all documentary evidence and things received in evidence at an appeal or an inquiry form the record of the proceeding;
- (k) the Board may
  - (i) from time to time adjourn matters that are before the Board, and
  - (ii) in respect of an appeal, before or after the expiration of the time for service of a notice of appeal, extend the time for service for a further period not exceeding 30 days;
- (l) an appeal or an inquiry shall be held in public;

- (m) notwithstanding clause (l), an appeal or an inquiry, or any portion of it, may be held in private if, in the opinion of the Board, it is in the public interest to do so;
- (n) a person who is likely to be affected by an appeal or an inquiry is entitled
  - (i) subject to clause (p), to appear before the Board,
  - (ii) to make representations to the Board, and
  - (iii) to be represented by a lawyer or an agent;
- (o) a witness, other than one employed for a police service, attending a proceeding before the Board is entitled to the same fees and allowances as a witness summoned to attend at the Court of Justice unless otherwise provided for by a regulation made under this Act;
- (p) notwithstanding clause (n), in conducting an appeal the Board may with the consent of the parties to the proceeding decline to hold a hearing in respect of the appeal and base its decision on
  - (i) the record of the proceeding being appealed from, and
  - (ii) the written submissions of the parties to the appeal.

**(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.

**(1.3)** An order issued under subsection (1.2) concludes the appeal process.

**(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
  - (i) allow the appeal,
  - (ii) dismiss the appeal,
  - (iii) vary the decision being appealed,
  - (iv) direct that the matter, subject to any directions that the Board may give, be reheard under section 45 or 46, as the case may be,
  - (v) affirm or vary the punishment imposed, or
  - (vi) take any other action that the Board considers proper in the circumstances,and
- (b) in the case of an appeal commenced under section 48 from a matter in respect of which a hearing has not been held, the Board may
  - (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,

- (iv.1) take any action required by the *Peace Officer Act*, or
- (v) take any other action that the Board considers proper in the circumstances.

**(2.1)** A decision of the Board under subsection (2) must be made in writing within 60 days after the Board concludes the appeal.

**(2.2)** Notwithstanding subsection (2.1), the Board may extend the 60-day time period set out in subsection (2.1) on written notice in accordance with subsection (3) to all of the parties whether or not the period has expired.

**(3)** When the Board conducts an appeal or an inquiry, the following must be informed in writing of the findings of the Board:

- (a) the appellant, in the case of an appeal commenced under section 48(1);
- (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;
- (d) the Minister.

**(4)** If the Board is of the opinion that a party or counsel to a party to an appeal or an inquiry has acted in a frivolous or vexatious manner, or where the Board considers an award of costs warranted in the circumstances, the Board may

- (a) award costs against a party or counsel to a party in an amount considered appropriate by the Board, and
- (b) direct that the costs referred to in clause (a) be paid
  - (i) to any other party to the appeal or inquiry,
  - (ii) to the Crown in right of Alberta, or
  - (iii) partly to any other party to the appeal or inquiry and partly to the Crown in right of Alberta.

RSA 2000 cP-17 s20;2005 c31 s10;2005 c43 s6;2006 cP-3.5 s38;  
2010 c21 s6;AR 217/2022;AR 75/2023

**Application**

**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.

2005 c43 s7

### **Part 3**

## **Police Services and Commissions**

**Provincial police service**

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

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

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

1988 cP-12.01 s21;1994 cG-8.5 s54

**Municipal policing by another police service**

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

**(2)** Notwithstanding subsection (1), where the Minister considers it necessary, the Minister may authorize a municipality that has a population that is greater than 5000 to enter into an agreement with the Government of Alberta for the provision of policing services specifically for the municipality by the provincial police service subject to the sharing of costs as determined by the Minister.

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

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



for the provision of policing services to the municipality.

(4) If a municipality has entered into a policing agreement under subsection (1), (2) or (3), it shall not, without the prior approval of the Minister, withdraw from or alter the type of policing service that it is receiving.

(5) Repealed 2005 c31 s11.

RSA 2000 cP-17 s22;2005 c31 s11

### **Policing committees**

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

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

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

- (a) prescribe the rules governing the operation of the policing committee, and
- (b) appoint the members of the policing committee.

(4) A policing committee shall consist of not fewer than 3 nor more than 12 members.

(5) If

- (a) 4 or fewer members are appointed under subsection (3), one of them may be a member of the council or an employee of the municipality, or
- (b) 5 or more members are appointed under subsection (3), 2 of them may be members of the council or employees of the municipality.

(6) The council may provide for the payment of reasonable remuneration or of a gratuity or allowance to members of the policing committee.

(7) The term of office of a person appointed to a policing committee is

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

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

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

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

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

RSA 2000 cP-17 s23;2005 c31 s12;2010 c21 s7

#### **Regional police services**

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

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

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

1988 cP-12.01 s24;1994 cG-8.5 s54

#### **Regional police commissions**

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

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

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

1988 cP-12.01 s25

#### **Responsibility of a regional police commission**

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

1988 cP-12.01 s26

#### **Municipal police services**

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

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

RSA 2000 cP-17 s27;2005 c31 s13

**Commissions**

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

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

shall establish a police commission.

**(2)** A council that has established a commission shall 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

- (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.

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

**(4)** If

- (a) 4 or fewer members are appointed under subsection (2.2), one of them may be a member of the council or an employee of the municipality, or
  - (b) 5 or more members are appointed under subsection (2.2), 2 of them may be members of the council or employees of the municipality.
- (5)** The council may provide for the payment of reasonable remuneration or of a gratuity or allowance to members of the commission.
- (6)** The term of office of a person appointed to a commission is
- (a) 3 years, or
  - (b) a term of less than 3 years, but not less than 2 years, as may be fixed by bylaw.
- (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.
- (7)** Notwithstanding subsection (6), a majority of the members appointed to a newly established commission shall be appointed for 3 years, and the remaining members shall be appointed for 2 years.
- (8)** A member of a commission is eligible for reappointment if the reappointment does not result in more than 10 consecutive years of service by that member.
- (9)** If a person who is a member of a council is a member of the commission, that person's appointment to the commission terminates on that person's ceasing to be a member of the council.
- (10)** The members of the commission shall, at the first meeting of the commission in each year, elect from among their members a chair and one or more vice-chairs.
- (11)** A member who is a member of the council or an employee of the municipality is not eligible to be elected as chair or vice-chair of the commission.
- (12)** The appointment of a member to a commission may not be revoked by the council except for cause.
- (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.

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

**(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,

- (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.

RSA 2000 cP-17 s28;2005 c31 s14;2010 c21 s8;2022 c22 s18

#### **Public Complaint Director**

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

**(2)** The Public Complaint Director may be

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

2005 c31 s15;2010 c21 s9

**Regional Public Complaint Director**

**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).

2010 c21 s10

**Provincial Public Complaint Director**

**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.

2010 c21 s10

**Police budgets and plans**

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

- (a) estimates of all money required for the fiscal year to
  - (i) pay the remuneration of the police officers and other persons employed for the police service, and
  - (ii) provide and pay for the maintenance of accommodation, equipment and operating costs of the police service,
- and
- (b) a yearly plan specifying the level of police service and programs to be provided in respect of the municipality,

and shall submit those estimates and plans to the council.

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

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

1988 cP-12.01 s29

**Ministerial intervention**

**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.

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

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

**(3)** Where

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

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

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

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

1988 cP-12.01 s30;1994 cG-8.5 s54

#### **Commission's responsibility**

**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;

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

**(2)** Every police officer

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

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

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

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

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

**(6)** The council is,

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

who are employed for the police service.

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

1988 cP-12.01 s31

**Commission inquiry**

**32(1)** A commission may conduct an inquiry into any matter respecting the police service or the actions of any police officer or other person employed for the police service.

**(2)** A commission may designate from among its members a committee of one or more persons to conduct an inquiry under this section.

**(3)** Subject to subsection (5)(a), where more than one person is to conduct an inquiry under this section, the commission shall designate one of its members to act as the chair of the inquiry.

**(4)** Where a commission intends to conduct an inquiry under this section, it shall before commencing the inquiry advise the Minister of its intention to conduct the inquiry.

**(5)** The Lieutenant Governor in Council may by order appoint a person

- (a) to act as the chair of the inquiry, or
- (b) to conduct the inquiry on behalf of the commission.

**(6)** Where the Lieutenant Governor in Council makes an order under subsection (5)(b), the person so appointed shall, in the place of the commission or any committee of the commission, conduct the inquiry under this section on behalf of the commission.

**(7)** The persons conducting an inquiry under this section have, for the purpose of conducting that inquiry, all the powers of a commissioner under the *Public Inquiries Act*.

**(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 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.

**(10)** Notwithstanding that a report is made under subsection (8), the persons conducting the inquiry may proceed with the inquiry but shall not make any recommendations concerning the disposition under Part 5 of the matter in respect of which the report was made.

(11) When an inquiry is completed, the chair of the inquiry shall provide a written report of the findings of the inquiry and any recommendations

- (a) to the commission, and
- (b) to the Minister.

(12) The Board shall not commence an inquiry under section 17(1)(a) with respect to a matter that is the subject of an inquiry being conducted under this section until the inquiry under this section is completed.

(13) Where the Board is conducting an inquiry under section 17(1)(a), a commission shall not commence an inquiry under this section with respect to a matter that is the subject of the Board's inquiry until the Board's inquiry is completed.

(14) The expenses of an inquiry conducted under this section must, unless otherwise provided for by an order of the Lieutenant Governor in Council, be paid for by the council.

1988 cP-12.01 s32;1994 cG-8.5 s54

#### **Police officers serving outside their municipality**

**33(1)** The Minister may at any time with the consent of the chair of a commission of a police service that is established under section 24 or 27 direct a police officer of that police service to serve in any part of Alberta that is outside the boundaries of the area for which the commission is responsible.

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

1988 cP-12.01 s33;1994 cG-8.5 s54

### **Part 3.1 First Nation Police Services**

#### **First Nation police service agreements**

**33.1(1)** The Government of Alberta, the Government of Canada and one or more First Nations, or an entity representing a group of First Nations, may enter into an agreement to establish a police service to provide policing services to a First Nation reserve or group of First Nation reserves.

(2) An agreement referred to in subsection (1) must provide for the establishment of a police commission for the First Nation police service.

(3) If the Government of Alberta, the Government of Canada and one or more First Nations, or an entity representing a group of First Nations, have entered into an agreement to establish a police service to provide policing services to a First Nation reserve or group of First Nation reserves, the agreement is deemed to be an agreement entered into under subsection (1).

2020 c37 s2

#### **Jurisdiction of First Nation police service**

**33.2** A First Nation police service may act as the police service only in the areas specified in the agreement referred to in section 33.1, or any additional areas specified in amendments to that agreement made by the parties set out in that section.

2020 c37 s2

#### **Application**

**33.3(1)** All of the provisions of this Act apply, with necessary changes, to a First Nation police service and its police chief, police officers and police commission.

(2) If there is a conflict between this Act and the agreement establishing a First Nations police service, the agreement prevails.

2020 c37 s2

## **Part 4 Police Officers**

#### **Qualifications re police officers**

**34** To be eligible to be appointed as a police officer, other than a chief of police, a person must be a Canadian citizen or lawfully admitted to Canada for permanent residence and meet the other qualifications specified by the regulations and the commission.

RSA 2000 cP-17 s34;2006 cP-3.5 s38

#### **Qualifications re chiefs of police**

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

1988 cP-12.01 s35

#### **Appointments of chiefs of police and police officers**

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

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

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

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

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

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

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

RSA 2000 cP-17 s36;2005 31 s16

#### **Dismissals and lay-offs of police officers**

**37(1)** Police officers may, subject to Part 5, be dismissed by the chief of police for disciplinary reasons in accordance with the regulations.

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

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

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

1988 cP-12.01 s37

#### **Authority, duties and jurisdiction of police officers**

**38(1)** Every police officer is a peace officer and has the authority, responsibility and duty

- (a) to perform all duties that are necessary
  - (i) to carry out the police officer's functions as a peace officer,
  - (ii) to encourage and assist the community in preventing crime,

- (iii) to encourage and foster a co-operative relationship between the police service and the members of the community, and
- (iv) to apprehend persons who may lawfully be taken into custody,

and

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

(2) A police officer has jurisdiction throughout Alberta.

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

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

1988 cP-12.01 s38

**Authority to collect, record, retain, store,  
use and disclose information**

**38.1(1)** This section only applies where a police officer has no other authority, responsibility or duty to collect, record, retain, store, use or disclose information from a member of the public.

(2) For the purposes of this section,

- (a) "carding" means any attempt to collect information, including personal information, from a member of the public if
  - (i) any part of the reason for the attempted collection of the information is based on a prohibited ground of discrimination, the person's socio-economic status, or the police officer's perception that the member of the public has a characteristic associated with a prohibited ground of discrimination or a person's socio-economic status, or
  - (ii) the attempted collection is done in an arbitrary way,

- (b) “personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act*, and
- (c) “prohibited ground of discrimination” means a person’s race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

**(3)** Subject to subsections (4) and (5), every police officer has the authority to collect, record, retain, store, use and disclose information, including personal information, voluntarily provided by a member of the public, obtained as a result of a non-detention, non-arrest interaction with a police officer, in accordance with the regulations.

**(4)** A police officer may only collect, record, retain, store, use or disclose information, including personal information, voluntarily provided by a member of the public, obtained as a result of a non-detention, non-arrest interaction with a police officer, under this section if that information is obtained during the course of one or more of the following activities:

- (a) crime prevention activities;
- (b) gathering information for the purpose of intelligence related to individuals known or reasonably suspected to be engaged in illegal activities;
- (c) inquiring into offences that may have been or might be committed;
- (d) inquiring into suspicious activities that may lead to detecting illegal activities;
- (e) another lawful law enforcement activity.

**(5)** A police officer is prohibited from carding.

**(6)** Notwithstanding subsection (2)(a), a police officer is not engaging in carding if the police officer considers a prohibited ground of discrimination or a person’s socio-economic status as part of the reason for attempting to collect information, including personal information, from a member of the public and

- (a) the police officer is seeking a particular person,
- (b) a prohibited ground of discrimination or a person’s socio-economic status forms part of a credible, reasonably specific



description relating to the person, or is evident from a visual representation of the person, and

- (c) the description of the person consists of 2 or more prohibited grounds of discrimination or a prohibited ground of discrimination and one or more other credible, reasonably specific descriptions relating to the person.

**(7)** For the purposes of subsection (2)(a)(ii), an attempted collection of information, including personal information, from a member of the public by a police officer is done in an arbitrary way unless the police officer has a reason for attempting to collect the information that complies with all of the following criteria:

- (a) the reason includes details about the member of the public or the circumstances that caused the police officer to reasonably suspect that collecting information, including personal information, from the person may contribute to or assist with one of the activities referred to in subsection (4);
- (b) the reason does not include either of the following:
  - (i) that the person has declined to answer a question from the police officer which the person is not legally required to answer;
  - (ii) that the person has attempted or is attempting to discontinue interaction with the police officer in circumstances in which the person has the legal right to do so;
- (c) the reason is not only that the person is present in a high-crime location;
- (d) the reason complies with any criteria established by regulation.

**(8)** Personal information that is collected under this section may be disclosed by any person, organization or public body

- (a) for the purpose of complying with a review, reporting or other requirement to ensure compliance with the Act, regulations or standards established by the Minister or Minister's delegate, and
- (b) for other purposes as authorized by the regulations.

**(9)** The Lieutenant Governor in Council may make regulations respecting the collection, recording, retention, storage, use and disclosure of information, including personal information,

voluntarily provided by a member of the public, obtained as a result of a non-detention, non-arrest interaction with a police officer, including

- (a) defining any word or expression for the purposes of a regulation made under this section;
- (b) prescribing and respecting the circumstances in which a police officer is permitted to collect, record, retain, store, use or disclose information, including personal information, or is prohibited from collecting, recording, retaining, storing, using or disclosing information, including personal information;
- (c) respecting the conduct of non-detention, non-arrest interactions between a police officer and a member of the public, including the duties that a police officer must fulfill prior to collecting information, including personal information, from a member of the public, or following the collection or attempted collection of that information from a member of the public;
- (d) respecting the retention, storage, use and disclosure of information, including personal information, including the placement of that information in a police database or report and use of that database or report;
- (e) respecting the establishment, implementation and review of standards regarding
  - (i) the collection, recording, retention, storage, use or disclosure of information, including personal information, voluntarily provided by a member of the public, and
  - (ii) records or reports that must be kept or made in relation to the collection, recording, retention, storage, use or disclosure of information, including personal information, voluntarily provided by a member of the public;
- (f) respecting the training of any police officer who may collect, record, retain, store, use or disclose information, including personal information, voluntarily provided by a member of the public, including respecting requirements for police services to establish and implement a training program for police officers with respect to the collection, recording, retention, storage, use or disclosure of that information;

- (g) respecting reviews, reporting or other requirements to ensure compliance with the Act, regulations or standards established by the Minister or Minister's delegate, including
  - (i) authorizing and respecting the disclosure and the direct or indirect collection of personal information for the purpose of a review, reporting or other requirement, and
  - (ii) respecting actions that shall be taken to remedy any non-compliance with the Act, regulations or standards;
- (h) authorizing the direct or indirect collection of personal information collected under this section for other purposes;
- (i) prescribing additional criteria for the purposes of subsection (7);
- (j) authorizing the disclosure of personal information collected under this section for other purposes as contemplated by subsection (8)(b);
- (k) mandating that a police service establish a public education program regarding the collection, recording, retention, storage, use and disclosure of information, including personal information, including requirements for what the education program must include;
- (l) respecting the review of any regulation made under this section;
- (m) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of this section.

2021 c14 s2

**Liability re municipal police services**

**39(1)** For the purposes of this section, "employee" means any civilian employee or any peace officer appointed under the *Peace Officer Act* employed for a police service established under section 24, 27 or 33.1(1).

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

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

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

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

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

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

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

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

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

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

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

RSA 2000 cP-17 s39;2006 cP-3.5 s38;2020 c37 s2

#### **Liability re other persons**

**40(1)** For the purposes of this section, "employee" means any civilian employee or any peace officer appointed under the *Peace Officer Act* employed by a municipality to provide services for a

police service that is providing policing services to the municipality under an agreement referred to in section 22.

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

RSA 2000 cP-17 s40;2006 cP-3.5 s38

### **Duties of chiefs of police**

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

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

**(2)** For the purposes of subsection (1), the chief of police shall issue orders and make directives as the chief of police considers necessary.

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

- (a) the operation of the police service;
- (b) the manner in which the chief of police carries out the responsibilities under subsection (1);
- (c) the administration of the finances and operations of the police service in keeping with the yearly plan or any amendments to it that the commission may make;
- (d) the reporting to the commission of any information concerning the activities of the police service that the commission may request, other than information concerning individual investigations or intelligence files;

- (e) the reporting to the commission of any complaint made against the police service or its members, 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.

**(4)** A commission shall not issue an instruction under section 31(1)(c) that is inconsistent with the duties and responsibilities conferred on the chief of police under this section.

RSA 2000 cP-17 s41;2005 c31 s17;2020 c37 s2

**42** Repealed 2006 cP-3.5 s38.

## **Part 5**

### **Complaints and Discipline**

#### **Complaints**

**42.1(1)** Subject to subsection (2), a person may make a complaint respecting the conduct of a police officer.

**(2)** The following persons may make a complaint referred to in subsection (1):

- (a) a person to whom the conduct complained of was directed;
- (b) a person who was present at the time the incident occurred and witnessed the conduct complained of;
- (c) an agent of a person referred to in clause (a);
- (d) a person who
  - (i) was in a personal relationship with the person referred to in clause (a) at the time the incident occurred, and
  - (ii) suffered a loss, damage, distress, danger or inconvenience as a result of the conduct complained of.

**(3)** Any person may make a complaint in respect of a policy or service of a police service.

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

- (a) the full name of the complainant;
- (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;
  - (c) if the complaint is made by an agent of the complainant, the agent's full name and contact information;
  - (d) if the complaint is in respect of the conduct of a police officer,
    - (i) the date of the alleged conduct, if known,
    - (ii) the identification of the police officer, if known, and
    - (iii) a description of the incident that gave rise to the alleged conduct;
  - (e) if the complaint is in respect of a policy or service of a police service, sufficient information to identify the policy or service complained of;
  - (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;
  - (g) any other information prescribed in the regulations.
- (5) A complaint may be transmitted by electronic mail.
- (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.

2010 c21 s11

**Bringing of complaints**

- 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.
- (3)** Repealed 2010 c21 s12.

- (4) On receipt of a complaint under subsection (1), the chief of police shall determine whether the complaint or a portion of the complaint is a complaint as to
- (a) the policies of or the services provided by the police service, or
  - (b) the actions of a police officer.
- (5) A complaint or that portion of the complaint that is a complaint
- (a) as to the policies of or services provided by the police service shall be disposed of in accordance with section 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 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.

RSA 2000 cP-17 s43;2005 c31 s18;2010 c21 s12

#### **Informal resolution of complaint**

**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.

(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.

2005 c31 s19; 2010 c21 s13

#### **Complaints re policies and services**

**44(1)** Where a complaint is a complaint as to the policies of or services provided by a police service, the chief of police shall review the matter, and

- (a) take whatever action the chief considers appropriate, if any, or
- (b) refer the matter to the commission for it to take whatever action it considers appropriate.

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

- (a) as to the disposition of the matter in respect of which the complaint was made, and
- (b) of the complainant's right to appeal the matter to the commission if the complainant is not satisfied with the disposition of the matter.

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

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

- (a) review the matter, and
- (b) take whatever action it considers appropriate, if any.

- (5) Notwithstanding subsection (4), a commission may appoint a committee consisting of not fewer than 3 members of that commission to conduct appeals made to the commission under subsection (3).
- (6) Where a committee of the commission finishes conducting an appeal under this section, it shall make a recommendation to the commission with respect to the disposition of the appeal.
- (7) On reviewing the recommendation made under subsection (6), the commission shall take whatever action it considers appropriate, if any.
- (8) The commission or, where a committee of the commission is conducting an appeal, the committee, may conduct a hearing into the matter being appealed.
- (9) On disposing of an appeal, the commission shall advise the complainant in writing as to the disposition of the appeal.
- (10) The chief of police shall make a report in writing to the commission of all complaints made as to the policies of or services provided by the police service and the disposition by the chief of the complaints.
- (11) The chief of police, in the case of a complaint under this section, must advise the complainant in writing at least once every 45 days as to the status of the complaint.
- (12) A copy of the document sent to the complainant under subsection (11) must be provided to the commission.

RSA 2000 cP-17 s44;2005 c31 s20

**Complaints re police officers**

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

- (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, 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.

**(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.

RSA 2000 cP-17 s45;2005 c31 s21;2010 c21 s14;  
2013 c10 s34;2015 c12 s4;2022 c22 s32

**Complaints re chiefs of police**

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

RSA 2000 cP-17 s46;2005 c31 s22;2013 c10 s34;2022 c22 s34

### **Serious incidents and complaints**

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

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

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

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

- (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
    - (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 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.

2005 c31 s23;2005 c43 s8;2007 c6 s2;2013 c10 s34;  
2022 c22 s36

#### **Integrated investigative unit**

**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.

2007 c6 ss3,6;2010 c21 s15

### **Conduct of hearing**

**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 being heard and is not bound by the rules of law respecting evidence applicable to judicial proceedings;
- (f) repealed 2005 c43 s9;
- (g) all oral evidence received shall be taken down in writing or recorded by electronic means;
- (h) all the evidence taken down in writing or recorded by electronic means and all documentary evidence and things received in evidence at a hearing form the record of the proceeding;
- (i) the person conducting the hearing may from time to time adjourn the hearing;
- (j) the person in respect of whom the complaint is made is entitled
  - (i) to appear before the person conducting the hearing,
  - (ii) to make representations to the person conducting the hearing, and
  - (iii) to be represented by a lawyer or an agent;
- (k) a witness, other than one employed for a police service, attending a hearing is entitled to the same fees and allowances as a witness summoned to attend at the Court of Justice unless otherwise provided for by a regulation made under this Act.

(2) Notwithstanding that the actions of a police officer have been referred to the Minister of Justice under section 45(2)(a) or 46(3)(a), if the person who referred the matter to the Minister of Justice 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 otherwise directs.

(3) Notwithstanding section 45(3) or 46(4), where a matter that is referred to the Minister of Justice 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.

(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.

RSA 2000 cP-17 s47;2005 c43 s9;2010 c21 s16;2013 c10 s34;  
AR 217/2022;2022 c22 s38;AR 75/2023

**Application**

**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.

2005 c43 s10

**Appeals to the Board**

**48(1)** Where a chief of police or another police officer in respect of whom a complaint is made feels aggrieved by the findings or any action taken against the chief or police officer under section 47(4), the chief or police officer may, within 30 days from the day the chief or police officer was advised under section 47(5) of the findings and any action taken, appeal the matter to the Board by filing with the secretary to the Board a written notice of appeal setting out the grounds on which the appeal is based.

**(2)** If a complaint has been made, the complainant may, within 30 days from the day the complainant was advised under section 47(5) of the determination of the complaint, appeal the matter to the Board by filing with the secretary to the Board a written notice of appeal setting out the grounds on which the appeal is based.

RSA 2000 cP-17 s48;2010 c21 s17

**Complaints re RCMP**

**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.

1988 cP-12.01 s49;1995 c23 s17

**50** Repealed 2006 cP-3.5 s38.

**Use of evidence**

**51** Where a police officer or peace officer appointed under the *Peace Officer Act* gives evidence during

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

that evidence, or an explanatory report made to an investigator on a voluntary or involuntary basis by a police officer in respect of whom an investigation is being carried out, if it tends to incriminate him or her, subject him or her to punishment or

establish his or her liability, shall not be used or received against the police officer or peace officer appointed under the *Peace Officer Act* in any civil proceeding or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

RSA 2000 cP-17 s51;2005 c31 s24;  
2006 cP-3.5 s38;2010 c21 s18

### Report of complaints

**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.

RSA 2000 cP-17 s52;2005 c31 s25;2006 cP-3.5 s38;  
2010 c21 s19;2015 c12 s4

**52.1** Repealed 2022 c22 s42.

## Part 6 General

### Lock-ups

**53(1)** A municipality that

- (a) has established a police service under section 27, or
- (b) receives policing services under an agreement made pursuant to section 22,

shall make provision for an adequate lock-up facility.

**(2)** If a municipality maintains a lock-up facility under subsection (1), that lock-up facility shall be under the direction and control of the police service unless the Minister by order directs otherwise.

**(3)** If a peace officer appointed under the *Peace Officer Act* or a person employed by a municipality to enforce bylaws requires the use of a lock-up facility, the peace officer appointed under the *Peace Officer Act* or person shall use the lock-up facility operated by a police service or in accordance with an order of the Minister under subsection (2).

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

RSA 2000 cP-17 s53;2006 cP-3.5 s38;2007 c6 s4

#### **Impersonating a police officer**

**54(1)** No person shall, unless the person is appointed as a police officer under this Act or pursuant to an Act of the Parliament of Canada,

- (a) hold out that the person is a police officer, or
- (b) display the word “police” either alone, as part of a word or in conjunction with any other words, on a uniform, an insignia, a vehicle marking or another sign or symbol where the display of the word “police” might mislead the public or a member of the public into believing that the person displaying the word or causing the word to be displayed
  - (i) is a member of a police service, or
  - (ii) is empowered to exercise the powers of a police officer or powers that are similar to the powers of a police officer.

(2) If the Minister or the Minister’s designate is of the opinion that the uniform, insignia, vehicle markings or other signs or symbols employed by a person or organization are so similar to those used by a police service that the public or a member of the public might be misled, the Minister or the Minister’s designate may, by order in writing served on that person or organization, require the person or organization to desist from the use of that uniform or insignia or those markings, signs or symbols.

1988 cP-12.01 s54;1994 cG-8.5 s54

#### **Uniforms and insignia**

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

1988 cP-12.01 s55

#### **Application to Court**

**56(1)** Whether or not a person is prosecuted under this Act, if the Minister or the Minister’s designate is of the opinion that a person is or was contravening section 54(1) or an order made under section 54(2), the Minister or the Minister’s designate may apply to the Court of King’s Bench for an order directing that person to

cease and desist from contravening section 54(1) or the order made under section 54(2), as the case may be.

**(2)** Repealed 2009 c53 s135.

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

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

**(5)** On hearing an application the Court may, if it is of the opinion that the person is or was contravening section 54(1) or an order made under section 54(2), grant an order, subject to any terms and conditions the Court considers appropriate in the circumstances, doing one or more of the following:

- (a) directing the person to cease and desist from contravening section 54(1) or the order made under section 54(2), as the case may be;
- (b) giving directions that the Court considers necessary in order to ensure that section 54(1) or an order made under section 54(2), as the case may be, will be complied with;
- (c) awarding costs in respect of the matter.

RSA 2000 cP-17 s56;2009 c53 s135;AR 217/2022

#### **General penalty**

**57** Any person who contravenes section 54(1) or fails to comply with an order made under section 54(2) is guilty of an offence and liable to a fine not greater than \$10 000 or to a term of imprisonment not exceeding 6 months or to both fine and imprisonment.

1988 cP-12.01 s57

#### **Service of documents**

**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).

1988 cP-12.01 s58

**Bylaws and resolutions**

**59(1)** For the purposes of this Act, a council, other than the Minister responsible for the *Municipal Government Act* or the *Special Areas Act*, may exercise and perform its powers and duties under this Act by bylaw.

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

1988 cP-12.01 s59

**Police Officers Collective Bargaining Act**

**60** None of the matters referred to in sections 16, 20, 31, 37(1), 41 and 43 to 48 shall be the subject of a collective agreement referred to in the *Police Officers Collective Bargaining Act*.

1988 cP-12.01 s60

**Commissioned officers**

**60.1(1)** Each year a commission under the Great Seal of the Province shall be issued to each police officer who, in the year in which the commission is issued, was first appointed to any one of the following ranks:

- (a) inspector;
- (b) superintendent;
- (c) deputy chief of police;
- (d) chief of police.

**(2)** In the case of a police officer who on the day this section comes into force holds a rank referred to in subsection (1), the Lieutenant Governor in Council, on the recommendation of the Minister, shall authorize the issue of a commission under the Great Seal of the Province to the police officer if,

- (a) in the case of a police officer other than a chief of police, the Minister receives written confirmation from the chief of police of the police service in which the police officer serves that the police officer holds that rank;
- (b) in the case of a chief of police, the Minister receives written confirmation from the commission of the police service in



which the chief of police serves that the chief of police holds that rank.

**(3)** The Lieutenant Governor in Council may authorize the revocation of a commission issued under subsection (1) or (2) if the Lieutenant Governor in Council considers it appropriate to do so.

2013 c23 s10;2016 c23 s5

#### **Lieutenant Governor in Council regulations**

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

- (a) prescribing rates of fees, remuneration and subsistence and travel allowances payable under this Act or the regulations;
- (b) governing fees and expenses for witnesses attending a proceeding under this Act, including specifying to whom and the circumstances in which such fees and expenses may be paid and prescribing rates of fees and expenses payable to witnesses who qualify under the 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;
- (d) governing, subject to this Act, the establishment and operation of police services;
- (e) governing probationary periods of service for police officers, chiefs of police and civilian employees of a police service;
- (f) governing, subject to this Act, the appointment, employment, qualifications, training, duties, discipline and performance of duty of police officers;
- (g) governing investigations, including investigations by another police service or an integrated investigative unit of police officers;
- (g.01) governing the conduct of hearings generally, including which persons may serve as a presiding officer at a hearing under Part 5;
- (g.1) governing the establishment and operation of integrated investigative units;
- (h) governing, subject to this Act, action that may be taken against police officers;

- (i) repealed 2006 cP-3.5 s38;
  - (j) governing, subject to this Act,
    - (i) regional police services,
    - (ii) policing services provided pursuant to an agreement made under section 22(3), and
    - (iii) First Nation police services;
  - (k) governing lock-up facilities;
  - (l) subject to section 16(a), governing the powers of the Board under this Act or the *Peace Officer Act*.
- (2) A regulation made under this section may be general or specific in its application.
- (3) Subsection (1)(e) to (h) do not apply to the Royal Canadian Mounted Police.

RSA 2000 cP-17 s61;2005 c43 s11;2006 cP-3.5 s38;  
2007 c6 s5;2015 c12 s4;2020 c37 s2

#### **Ministerial regulations**

- 62(1)** The Minister may make regulations
- (a) governing for the purposes of section 22 the sharing of costs of provincial policing services;
  - (b) prescribing colour and style of uniforms, accoutrements and insignia for police officers;
  - (c) governing clothing and equipment furnished to or used by police officers;
  - (d) governing firearms with respect to police officers;
  - (e) governing the providing of information to the Director of Law Enforcement under section 52 and the release of that information by the Director;
  - (f) prescribing the information and statistical data to be kept and reported to the Minister by commissions, policing committees and police services;
  - (g) governing the establishment of standards for police services, police commissions and policing committees;

- (h) prescribing factors to be considered by the Board in deciding whether an appeal may be concluded under section 19.2(1)(b) without conducting a hearing;
- (i) for the purposes of section 42.1(4)(g), prescribing information that must be included in a complaint;
- (j) establishing a cost that a municipal district, specialized municipality, town, village or summer village shall pay for receiving general policing services provided by the provincial police service, including terms and conditions relating to the cost or payment.

**(2)** Where the Minister enters into an arrangement or an agreement referred to in section 5(1) or 33.1(1), the Minister may make regulations

- (a) exempting the arrangement or the agreement from any provision of this Act or the regulations;
- (b) exempting policing services that are provided under the arrangement or the agreement from any provision of this Act or the regulations;
- (c) modifying any provision of this Act or the regulations for the purpose of applying the provision to
  - (i) the arrangement or the agreement, or
  - (ii) the policing services provided under the arrangement or the agreement;
- (d) governing any matter not referred to in clauses (a) to (c) respecting
  - (i) the arrangement or the agreement, or
  - (ii) the policing services provided under the arrangement or the agreement.

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

RSA 2000 cP-17 s62;2005 c31 s26;2005 c43 s12;  
2006 cP-3.5 s38;2010 c21 s20;2019 c18 s11;2020 c37 s2

#### **Transitional**

**63(1)** In this section, “former Act” means the *Police Act*, RSA 1980 cP-12.

**(2)** Any person who, immediately before July 27, 1988, was

- (a) a police officer in a municipal police force under the former Act continues as a police officer in the municipal police service under this Act,
  - (b) a peace officer in a municipal police force under the former Act continues as a peace officer in the municipal police service under this Act,
  - (c) a chief of police of a municipal police force under the former Act continues as the chief of police of the municipal police service under this Act.
- (3) Any reference to a municipal police force in any order, regulation or statute is deemed to be also a reference to a municipal police service.

1988 cP-12.01 s67

**Schedule 1****Oath of Office****(Members of Police Commissions)**

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

Sworn before me in the \_\_\_\_\_ of \_\_\_\_\_, in the Province of Alberta, this \_\_\_\_\_ day of \_\_\_\_\_  
 \_\_\_\_\_  
 (Commissioner for Oaths \_\_\_\_\_ Signature  
 in and for the Province of Alberta) \_\_\_\_\_

**Schedule 2****Oath of Office****(Members of Policing Committees)**

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

Sworn before me in the \_\_\_\_\_ of )  
 \_\_\_\_\_, in the Province of Alberta, this )  
 \_\_\_\_ day of \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 (Commissioner for Oaths ) \_\_\_\_\_ Signature  
 in and for the Province of Alberta) )

### Schedule 3

#### Oath of Allegiance and Office

##### (Police Officers and Other Peace Officers)

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

Sworn before me in the \_\_\_\_\_ of )  
 \_\_\_\_\_, in the Province of Alberta, this )  
 \_\_\_\_ day of \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 (Commissioner for Oaths ) \_\_\_\_\_ Signature  
 in and for the Province of Alberta) )

RSA 2000 cP-17 Sched. 3;AR 217/2022







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