



Province of Alberta

PEACE OFFICER ACT

Statutes of Alberta, 2006
Chapter P-3.5

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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.

Regulations

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

Alta. Reg. *Amendments*

Peace Officer Act

Peace Officer	291/2006	140/2011
Peace Officer (Ministerial).....	312/2006	151/2011

PEACE OFFICER ACT

Chapter P-3.5

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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) "authorized employer" means a person authorized under section 5(3) to employ or engage the services of a peace officer;
- (b) "Court" means the Court of Queen's Bench of Alberta;

- (c) “Director” means the Director of Law Enforcement appointed under the *Police Act* and any person authorized by the Director to act on the Director’s behalf;
- (d) “employer’s authorization” means an authorization issued under section 5(3);
- (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f) “peace officer” means
 - (i) a person referred to in section 7(1), or
 - (ii) any other person appointed as a peace officer under another enactment who is designated by the regulations as a peace officer to whom all or part of this Act and the regulations apply;
- (g) “police service” means a police service as defined in the *Police Act*.

Non-application

- 2** This Act does not apply to a police officer within the meaning of the *Police Act*.

Crown bound

- 3** This Act binds the Crown.

Director’s responsibilities

- 4** The Director is responsible for
- (a) monitoring the functions and activities of peace officers;
 - (b) assisting in the co-ordination of peace officers among territorial jurisdictions and among police services;
 - (c) preparing plans for the use of peace officers in an emergency;

- (d) any other matter respecting peace officers provided for in the regulations.

Part 1

Employer's Authorizations and Peace Officer's Appointments

Employer's authorization

5(1) No person shall employ or engage the services of a person as a peace officer unless that person is an authorized employer.

(2) A person applying to the Minister for an employer's authorization to employ or engage the services of one or more peace officers must provide the information and comply with any other conditions provided for in the regulations.

(3) The Minister may issue an employer's authorization to an applicant and may impose any terms and conditions on the employer's authorization that the Minister considers appropriate, which may include requiring the authorized employer to implement or comply with policies, standards of conduct, practices, procedures, protocols or rules provided for in the regulations.

(4) At any time after issuing an employer's authorization the Minister may impose new terms and conditions or vary any existing terms and conditions in the employer's authorization and must inform the authorized employer in writing of the addition or variation.

(5) An authorized employer must, in accordance with the regulations, notify the Minister of any changes in the information provided or requirements met under subsection (2).

Suspension or cancellation of employer's authorization

6(1) The Minister may suspend or cancel an employer's authorization if in the opinion of the Minister the authorized employer has

- (a) contravened this Act or the regulations,
- (b) provided false or misleading information under this Act or the regulations,

- (c) failed to act in accordance with the terms and conditions of the employer's authorization,
 - (d) required or permitted a peace officer employed by the authorized employer to contravene the terms of the peace officer's appointment,
 - (e) taken no action when the authorized employer knows or ought reasonably to have known that the peace officer has contravened the terms of the peace officer's appointment,
 - (f) failed to investigate a complaint made under section 14 or does not investigate a complaint in accordance with the regulations,
 - (g) acted in a manner that could bring the office of peace officer into disrepute, or
 - (h) failed to comply with a direction of the Director under this Act or the regulations.
- (2) The Minister must, as soon as an employer's authorization is suspended or cancelled, inform the employer in writing of that decision.

Application for appointment as peace officer

- 7(1)** Subject to the regulations, the Minister may, on the application of an authorized employer, appoint a person as a peace officer if the person
- (a) is employed or engaged or will be employed or engaged by the authorized employer in the capacity of a peace officer, and
 - (b) complies with any other conditions provided for in the regulations.
- (2) The appointment of a peace officer must include the following terms:
- (a) the authority, responsibility and duties of the peace officer,
 - (b) the territorial jurisdiction of the peace officer,
 - (c) the weapons the peace officer is authorized to carry, if any,

- (d) the equipment the peace officer is authorized to use, if any,
- (e) the title the peace officer is authorized to use,
- (f) any terms and conditions the Minister considers appropriate, and
- (g) any other matter specified in the regulations.

(3) At any time during a peace officer's appointment the Minister may impose new terms or vary any existing terms imposed under subsection (2) and must inform the peace officer in writing of the addition or variation.

(4) Before commencing the peace officer's duties, the peace officer must take the oath set out in the regulations.

(5) Subject to the terms of the appointment, a person appointed as a peace officer under this Act is a person appointed for the purposes of preserving and maintaining the public peace.

**Suspension or cancellation of
peace officer's appointment**

8(1) The Minister may suspend or cancel a peace officer's appointment if the peace officer

- (a) has been charged with or convicted of an offence under an Act or regulation of Canada, an Act or regulation of another province or territory or an Act or regulation of Alberta,
- (b) has been charged with or convicted of an offence under this Act or the regulations,
- (c) in the Minister's opinion has contravened the terms of the peace officer's appointment, or
- (d) has acted in a manner that could bring the office of peace officer into disrepute.

(2) The Minister must, as soon as the peace officer's appointment is suspended or cancelled, inform the peace officer and the peace officer's authorized employer in writing of the decision.

Peace officer's appointment ceases to be in effect

- 9** A peace officer's appointment ceases to be in effect
- (a) when the peace officer ceases to be employed or engaged by his or her authorized employer in the capacity of a peace officer,
 - (b) when the employer's authorization is cancelled under section 6 or the peace officer's appointment is cancelled under section 8, or
 - (c) while the employer's authorization is suspended under section 6 or the peace officer's appointment is suspended under section 8.

Authorized employer liable

10 The authorized employer of a peace officer is liable for the actions and omissions of the peace officer while the peace officer is acting within the scope of the peace officer's authority, responsibility and duties.

Use of titles

11 The Minister may authorize the use of titles for peace officers or classes of peace officers in accordance with the regulations.

Restrictions re uniform, weapons, etc.

12(1) Notwithstanding section 55 of the *Police Act*, a peace officer, including a peace officer who is a member of a municipal police service or a regional police service, shall wear only the uniform, badges, accoutrements and insignia specified in the regulations.

(2) A peace officer shall have in the peace officer's possession only the weapons and equipment that are authorized in the peace officer's appointment.

Peace officers providing emergency services

13(1) If the Minister considers that an emergency exists that requires the services of one or more peace officers, the Minister

may, with the consent of the peace officers and the peace officers' employers, by order declare the peace officers

- (a) to have jurisdiction in all or any part of Alberta, and
- (b) to have the authority, responsibility and duties specified by the Minister.

(2) An order under this section expires 90 days after the date it is made unless it is renewed for a period specified by the Minister.

Part 2 Complaints and Discipline

Complaints

14 Any person may, in accordance with the regulations, make a complaint in writing regarding a peace officer to the peace officer's authorized employer.

Investigation and disposition of complaints

15(1) Where a complaint is made under section 14, the authorized employer must investigate and dispose of the complaint in accordance with the procedures set out in this Act and the regulations.

(2) An authorized employer may refuse to investigate or may discontinue the investigation of a complaint if, in the authorized employer's opinion,

- (a) the complaint is frivolous, vexatious or made in bad faith, or
- (b) having regard to all of the circumstances, no investigation is necessary.

(3) The authorized employer must, in accordance with the regulations,

- (a) notify the complainant and the peace officer who is the subject of the complaint in writing at least once every 45 days as to the status of the complaint until the disposition of the complaint, and
- (b) notify the complainant, the peace officer who is the subject of the complaint and the Director in writing of

- (i) the authorized employer's disposition of the complaint and the reasons for the disposition, and
- (ii) the right of the complainant to have the authorized employer's disposition of the complaint reviewed by the Director.

(4) Within 30 days of receiving a notice of the authorized employer's disposition of the complaint, the complainant may, in writing, request the Director to review the authorized employer's disposition.

(5) The Director must conduct a review if the Director receives a request from a complainant under subsection (4).

(6) After completing a review of the authorized employer's disposition of a complaint, the Director may

- (a) direct the authorized employer to take any action the Director considers appropriate, or
- (b) confirm, reverse or vary the authorized employer's disposition,

and the decision of the Director is final.

(7) The Director must, in writing, notify the complainant, the peace officer who is the subject of the complaint and the peace officer's authorized employer of the Director's decision.

Duty of employer to investigate

16 Where an authorized employer becomes aware, other than through a complaint under section 14, that a peace officer has failed to comply with the terms of the peace officer's appointment, the authorized employer must

- (a) investigate and dispose of the matter in accordance with the procedures set out in this Act or the regulations, and
- (b) notify the Director of the authorized employer's investigation and disposition of the matter.

Investigation by Director

17(1) Where the Director is of the opinion that an authorized employer

- (a) is not investigating a complaint made under section 14 in a manner that is satisfactory to the Director,
- (b) is not investigating a matter referred to in section 16 in a manner that is satisfactory to the Director,
- (c) has failed to investigate a complaint made under section 14, or
- (d) has failed to investigate a matter referred to in section 16,

the Director may direct the authorized employer to take any action the Director considers appropriate or may investigate and dispose of the complaint or matter.

(2) If the Director investigates a complaint or matter under subsection (1), the Director must notify the complainant, if any, the peace officer who is the subject of the investigation and the peace officer's authorized employer in writing

- (a) at least once every 45 days as to the status of the investigation until the complaint or matter is disposed of, and
- (b) as to the disposition of the complaint or matter.

Notification of complaints

18 An authorized employer must, in accordance with the regulations, notify the Director on a monthly basis or within the time specified in the regulations of

- (a) every complaint made to the authorized employer under section 14 or matter referred to in section 16 regarding a peace officer,
- (b) every investigation of a peace officer conducted by the authorized employer as a result of a complaint made under section 14 or a matter referred to in section 16,

- (c) every investigation conducted and disposition made by the authorized employer with respect to a complaint made under section 14 or a matter referred to in section 16, and
- (d) every complaint made under section 14 or matter referred to in section 16 an authorized employer refuses to investigate or discontinues the investigation of.

Duty to report to Director

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

- (a) every incident in which a peace officer while carrying out the peace officer's duties may have
 - (i) used excessive force,
 - (ii) used a weapon or equipment prescribed by the regulations in circumstances referred to in the regulations,
 - (iii) been involved in an incident involving a weapon used by another person,
 - (iv) been involved in an incident involving serious injury to or the death of any person, or
 - (v) been involved in any other circumstances referred to in the regulations,

or

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

(2) When the Director becomes aware of or is notified by an authorized employer of an incident or matter referred to in subsection (1), the Director must, subject to subsections (3) and (6), investigate the matter.

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

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

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

(5) If an investigation is conducted under this section, the Director may apportion the responsibility for the payment of costs associated with the investigation in accordance with the regulations.

(6) If an incident or matter under this section is being investigated pursuant to another enactment, the Director is not required to conduct an investigation into the incident.

Appeal

20 A person whose employer's authorization is cancelled under section 6 or whose peace officer's appointment is cancelled under section 8 may, within 30 days from the day that the person is advised in writing of the cancellation, appeal the decision to the Law Enforcement Review Board by filing a written notice of appeal setting out the grounds on which the appeal is based.

Conduct of appeal

21(1) Subject to this section, Part 2 of the *Police Act*, except sections 17(2) and (3), 18 and 20(1)(d), (1.1), (2) and (3), applies to an appeal commenced under section 20 of this Act as if it were an appeal under the *Police Act*.

(2) The Law Enforcement Review Board may require the person charged with the conduct of an investigation under section 15, 16 or 19 to produce to the Law Enforcement Review Board, prior to an appeal, copies of all investigation reports, statements, correspondence or other documents or things relating to the matter.

(3) Where a peace officer gives evidence during an appeal under this Act, that evidence, if it tends to incriminate him or her, subject

him or her to punishment or establish his or her liability, shall not be used or received against the peace officer 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.

(4) On concluding an appeal, the Law Enforcement Review Board must recommend to the Minister that the decision that was the subject of the appeal be confirmed, reversed or varied.

(5) When the Law Enforcement Review Board conducts an appeal,

- (a) in the case of the cancellation of an employer's authorization, the Law Enforcement Review Board must provide its recommendation in writing to the appellant and the Minister, and
- (b) in the case of the cancellation of a peace officer's appointment, the Law Enforcement Review Board must provide its recommendation in writing to the appellant, the peace officer's authorized employer and the Minister.

Results of appeal

22 After reviewing the recommendations of the Law Enforcement Review Board under section 21(4) the Minister must determine whether the decision that was the subject of the appeal is to be confirmed, reversed or varied.

Part 3 Inspections

Inspection and investigation

23(1) The Director may enter an authorized employer's premises and inspect the premises and the records, vehicles, weapons and equipment of an authorized employer or a peace officer to ensure compliance with this Act and the regulations.

(2) An inspection under subsection (1) must be conducted at a reasonable time.

(3) When acting under the authority of this section, the Director must carry identification and present it to any person on request.

(4) The Director may in the course of an inspection require a person

- (a) to give written or oral replies to questions,
- (b) to produce any books, records, reports, documents or other things and to provide copies of them, and
- (c) to provide any other information.

(5) The Director may in the course of an inspection inspect, examine and make copies of or temporarily remove books, records, reports, documents or other things that are relevant to determine if there is compliance with this Act and the regulations.

(6) When the Director removes any books, records, reports or documents or other things under subsection (5), the Director

- (a) must give a receipt for them to the person from whom they were taken,
- (b) may make copies of, take photographs of or otherwise record them, and
- (c) must, within a reasonable time, return them to the person to whom the receipt was given.

(7) If entry under subsection (1) is refused or a person refuses to co-operate or interferes with the Director's performance of duties under this section, the Director may apply to the Court for an order that the Director may

- (a) at any reasonable time enter the premises and inspect the premises, records, vehicles, weapons and equipment, and
- (b) require the production of any books, records, reports, documents or other things and examine them, make copies of, take photographs of or otherwise record them or remove them temporarily for the purpose of making copies,

and the Court may, on being satisfied that the order is necessary for the purpose of this section, make any order that it considers appropriate.

(8) An application under subsection (7) may be made ex parte if the Court considers it appropriate.

2006 cP-3.5 s23;2009 c53 s126

Director's directions

- 24** The Director may, after an inspection, in writing,
- (a) give an authorized employer directions about the administration, powers, duties or functions of a peace officer or in respect of the management and control of peace officers;
 - (b) prohibit, limit or restrict a policy, standard, practice, procedure or protocol or make rules about it;
 - (c) require the authorized employer to develop and implement policies, standards, practices, procedures, protocols or rules about specified activities, duties, powers and functions, as the Director sees fit.

Part 4 Offences and Penalties

Impersonating a peace officer

25(1) No person shall, unless the person holds a subsisting appointment as a peace officer under this Act or any other enactment or under an Act or regulation of the Parliament of Canada,

- (a) hold out that the person is a peace officer, or
- (b) display the phrase “peace officer” either alone, as part of a phrase 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 phrase “peace officer” might mislead the public or a member of the public into believing that the person displaying the phrase or causing the phrase to be displayed is empowered to exercise the powers of a peace officer or powers that are similar to the powers of a peace officer.

(2) If the Minister 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 peace officer that the public or a member of the public might be misled, the Minister 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.

(3) No person shall, without the prior approval of the Minister, display the term “constable” or “special constable”, either alone, as part of a phrase, a vehicle marking or another sign or symbol or in conjunction with any other phrase, marking, sign or symbol on a uniform, an insignia or a vehicle unless authorized to do so under an Act or regulation of the Parliament of Canada.

(4) Subsection (3) does not apply to an authorized employer or to a peace officer for 2 years after this section comes into force.

2006 cP-3.5 s25;2009 c30 s2

Injunction

26 If any person has contravened or is contravening any provision of this Act or the regulations, the Court, on application by the Minister, may make an order restraining that person from contravening or continuing to contravene that provision, whether or not a conviction has been adjudged in respect of the contravention.

2006 cP-3.5 s26;2009 c53 s126

Penalty

27 A person who contravenes this Act or the regulations 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 a fine and imprisonment.

Part 5 Regulations

Lieutenant Governor in Council regulations

28 The Lieutenant Governor in Council may make regulations

- (a) respecting the office of peace officer;
- (b) designating peace officers appointed under any other enactment and their employers or classes of those peace officers and their employers to whom all or any provisions of this Act and the regulations, with or without modification, apply;
- (c) respecting the apportionment of the responsibility for costs for the purpose of section 19(5);
- (d) respecting the types of weapons and equipment that may be used by peace officers or classes of peace officers generally

or in particular circumstances and prohibiting the use of weapons and equipment;

- (e) respecting the collection, use and disclosure of personal information that is necessary for the purpose of making and approving applications, cancelling or suspending employer's authorizations or peace officer's appointments, conducting reviews, inspections, investigations and appeals and providing reports under this Act;
- (f) defining words or expressions to be defined by the regulations and any other word or expression used in this Act that is not defined in this Act;
- (g) respecting the application of any provision of this Act, with or without modification, to a peace officer, a class of peace officer or an authorized employer.

Ministerial regulations

29 The Minister may make regulations

- (a) respecting the eligibility requirements for
 - (i) a person to apply for an employer's authorization,
 - (ii) an authorized employer to apply for a person to be appointed as a peace officer, and
 - (iii) a person to be appointed as a peace officer;
- (b) respecting the information that must be provided and conditions that must be met by a person applying for an employer's authorization;
- (c) respecting the conditions that must be met by a person to be appointed as a peace officer;
- (d) respecting
 - (i) the terms and conditions of an employer's authorization, and
 - (ii) the terms of a peace officer's appointment;
- (e) respecting employment, qualifications, training, duties, discipline and performance of the duties of peace officers;

- (f) respecting standards of conduct, practices, procedures, protocols, rules and standards for operational planning, communication and information sharing for peace officers or their authorized employers or both;
- (g) respecting fees for an application for an employer's authorization and for an application for the appointment of a peace officer;
- (h) respecting reports that an authorized employer must provide to the Director with respect to particular incidents or circumstances that a peace officer may have been involved in;
- (i) respecting the contents of agreements or arrangements for the co-ordination of services or the sharing of services of peace officers among territorial jurisdictions and among authorized employers, municipalities and police services;
- (j) respecting procedures for how complaints about a peace officer are to be made and the process for how the Director or an authorized employer is to investigate and dispose of complaints;
- (k) prescribing the oath a peace officer must take;
- (l) respecting the time within which an authorized employer must provide to the Director the information required under section 18;
- (m) prescribing the information and statistical data to be kept and reported to the Minister by authorized employers;
- (n) respecting and authorizing the use of titles for and by peace officers or classes of peace officers;
- (o) respecting the issue, use, retention and destruction of badges and identification cards;
- (p) respecting the colour and style of uniforms, accoutrements and insignia for peace officers or categories of peace officers and prohibiting the use by peace officers of any other uniform, accoutrements and insignia.

Part 6 Transitional Provisions, Consequential Amendments and Coming into Force

Special constables

30 A person who is appointed as a special constable under section 42 of the *Police Act* before this Act comes into force is deemed to be a peace officer appointed under this Act.

Complaints

31 Where a person has made a complaint about a special constable or an appeal has been made under the *Police Act* before this Act comes into force and the complaint process or appeal has not been concluded by the time this Act comes into force, the complaint must continue to be dealt with in accordance with the *Police Act* and the regulations under the *Police Act* as they read immediately before the coming into force of this section.

References

32 Unless the context otherwise provides, a reference in any enactment to “special constable” is deemed to be a reference to a peace officer appointed under Part 1 of this Act.

33 to 45 *(These sections amend other Acts; the amendments have been incorporated into those Acts.)*

Coming into force

46 This Act comes into force on Proclamation.

(NOTE: Proclaimed in force May 1, 2007.)