

PUBLIC SECURITY PEACE OFFICER PROGRAM

POLICY AND PROCEDURES MANUAL

JANUARY 2007
(AMENDED FEBRUARY 2012)

RESPECT

ACCOUNTABILITY

INTEGRITY

EXCELLENCE

Government of Alberta ■
Solicitor General and Public Security

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1.0 PROGRAM OVERVIEW

1.1 Introduction

The Public Security Peace Officer Program in Alberta is unique in Canada. It gives different levels of government the opportunity to obtain peace officer status for community safety enhancement or specialized law enforcement needs.

This program operates under the auspices of the *Peace Officer Act*, allowing the Government of Alberta to designate agencies and provide individuals with peace officer status for specific job functions. Duties and functions within the program vary greatly, from out-of-province police officers, to parking control personnel employed by a municipality. Regardless of the participating agency, the Public Security Peace Officer Program is designed to ensure minimum standards of training, accountability, and professionalism.

Legislation governing peace officers is found in the *Peace Officer Act*, the *Peace Officer Regulation* and the *Peace Officer (Ministerial) Regulation*. This manual provides the information necessary for agencies to understand the expectations involving operational and administrative practices and procedures.

Alberta Solicitor General and Public Security has overall authority for the Public Security Peace Officer Program, as provided in the *Peace Officer Act*. The program is administered by the Public Security Division under the Assistant Deputy Minister/Director of Law Enforcement (hereinafter, referred to as the Director). The Public Security Peace Officer Program Manager has responsibility for daily program operations, including development of policies and guidelines. All program related correspondence must be directed to the program manager for approval and processing unless otherwise specified in this manual.

It is the role of the Director to protect the public interest and ensure that the peace officer role produces effective and appropriate enforcement exercised in accordance with existing legislative and policy frameworks.

The Solicitor General and Minister of Public Security may delegate to the Director, specific duties and responsibilities referred to in the Act, Regulations, or Policy.

The Director may delegate specific duties and responsibilities referred to in the Act, Regulations, or Policy, to employees of the Public Security Division.

The Act, Regulations, and Policy apply to Alberta police services utilizing peace officers appointed through the *Peace Officer Act*. The Act, Regulations and Policy do not apply to police officers appointed through the *Police Act*.

1.2 Peace Officer Status

Peace officer status carries powers and protections not available to ordinary citizens such as the ability to deprive citizens of freedom through powers of arrest. This status also provides authority to use reasonable force should an arrest be required. The authority to deprive any individual of freedom of movement is an extremely powerful tool and must not be taken lightly. It is expected that individuals having peace officer status will conduct themselves in a manner reflective of this responsible position in society.

Accountability accompanies this responsibility and it is often assessed and judged through the civil or criminal courts. The Alberta Solicitor General and Public Security Ministry takes very seriously the responsibility to oversee the delivery of law enforcement services to all Albertans in a fair, impartial and professional manner.

- a) Peace officer authority in this program is valid only while an individual is lawfully employed by the specified authorized employer and is 'on duty', performing duties and responsibilities listed on their appointment.
- b) A peace officer's enforcement authority is limited to the statutes listed on their appointment, within the territorial jurisdiction specified.
- c) If a peace officer becomes aware of an offence for which they do not have authority, the peace officer shall refer the matter to the police service of jurisdiction forthwith.
- d) Section 2 of the Criminal Code defines the term "peace officer". It includes "...constable, or other person employed for the preservation and maintenance of the public peace..." Peace Officers appointed under the *Peace Officer Act* fall within this definition, in part, pursuant to section 7(5) of the Act which states:

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

It is extremely important to note that a peace officer's authority is limited by the first part of Section 7(5) which limits their status as peace officers to the performance of duties specified on their appointment. Any action taken that is not specifically covered by the peace officer appointment would be as a private citizen.

2.0 ACT AND REGULATIONS OVERVIEW

The Public Security Peace Officer Program has been created using the *Peace Officer Act*, *Peace Officer Regulation*, and the *Peace Officer (Ministerial) Regulation*.

For information purposes, a brief overview and purpose of the legislation follows.

2.1 *Peace Officer Act*

Contains the broad strategic directions under which the Public Security Peace Officer Program must operate. The key directions of professionalism, accountability, and standards are captured here.

Part 1

- a) Covers issues concerning authorization and appointments such as applications, issuances, suspensions and cancellations.
- b) Ensures that authorized employers are responsible and liable for the actions of their employees when on duty and acting within the scope of their appointment.
- c) Addresses miscellaneous items relating to the appointment such as weapons, equipment, and titles.
- d) Section 13 outlines the Minister's powers to expand the authority of peace officers in the event of an emergency.

Part 2

- a) Outlines the process for handling public complaints under the legislation.
- b) Requires authorized employers to report to the Director on a number of topics relating to public complaints and concerns pertaining to peace officers.
- c) Details the review process for complainants who disagree with a decision made by an authorized employer in respect of their complaint.

Part 3

- a) Details the Director's powers to conduct inspections and investigations pursuant to the Act.
- b) Describes that the Director may give directions to an employer based on the results of an inspection or investigation.

Part 4

- a) Lists offences and penalties under the Act.
- b) Covers the use of certain terms and impersonation of a peace officer.

- c) Sets out the Director's powers to enforce provisions of the act with program participants.

Part 5

- a) Lists all the areas in which regulations may be developed to address certain topics.

Part 6

- a) Legislative Amendments resulting from the proclamation of the Act.

2.2 *Peace Officer Regulation*

- a) Deals with requirements pertaining to weapons, how to obtain authority to carry them, use and reporting, and resulting employer responsibilities.
- b) Outlines that the employer may be assessed costs that result from third party investigations conducted under the Act.

2.3 *Peace Officer (Ministerial) Regulation*

Part 1

- a) Outlines the application processes for obtaining authorizations and appointments. Provides the eligibility and personal qualifications requirements for applicants.
- b) Describes the circumstances under which a peace officer must report information to the Director and authorized employer.
- c) Details the requirement for authorized employers to submit an annual report.

Part 2

- a) Sets out a minimum code of conduct required of authorized employers.
- b) Describes administrative requirements concerning recordkeeping and agreements for the Public Security Peace Officer Program that must be kept and maintained by authorized employers.

Part 3

- a) Details minimum uniform standards for program participants.

Part 4

- a) Lists the fee schedule for authorized employers and individuals.

Part 5

- a) Expands on how an authorized employer is required to handle complaints against peace officers, both on intake and disposition.
- b) A range of dispositions for public complaints is listed.

Part 6

- a) Administrative legislative items.

3.0 AUTHORIZATION TO EMPLOY PEACE OFFICERS

Under Section 5 of the *Peace Officer Act* (POA) and Section 2 of the *Peace Officer (Ministerial) Regulation* (POMR), an agency may only employ the services of a peace officer if they are designated as an authorized employer by the Director. All authorized employer and peace officer designations are validated and issued under the Director's signature.

Applying agencies must:

- a) Have a legitimate need for peace officer services.
- b) Be a government or quasi-government agency. The level of government can be federal, provincial, or municipal. Examples of quasi-government agencies are health regions, post-secondary institutions, commissions or boards that report directly to a government ministry, or any other group designated by a federal or provincial ministry to carry out enforcement of federal or provincial legislation.
- c) **Private agencies or individuals are not eligible for participation under this legislation.**
- d) Deleted (2012)

3.1 Authorization Applications

Applications must include:

- a) A cover letter from the head of the agency (i.e., City Manager, Deputy Minister, etc.) requesting entry into the program as well as an application for Authorization to Employ Peace Officers.
- b) A completed authorized employer application form at Appendix A, attached to the cover letter. It ensures that all information required by the Act and Regulations is obtained.
- c) A cheque or money order in the amount of \$1,000.00, made payable to the Provincial Treasurer.
 - Fee exemptions: Crown agencies (federal or provincial)
- d) A Traffic Safety Plan if the agency will be engaged in enforcing moving traffic violations. An example is shown at Appendix J.
- e) A letter from the Manager of JOIN Operations at Alberta Justice stating that all JOIN processes have been completed. This will ensure new agencies are set up with Alberta Justice databases to issue and enter violation tickets.

3.2 Applications by Out-of-Province Police or Peace Officer Agencies

The Public Security Peace Officer Program has been designed to accommodate the needs of police or law enforcement agencies that are not permanently based in Alberta and have a legitimate need to enter this province for specific purposes or investigations.

Authorizations are issued under Section 3 of the *Peace Officer (Ministerial) Regulation*. **Under that section, the Director or Minister has exempted this category of applicants from the following sections of the POMR:**

- 2(1) An applicant for an employer's authorization to employ or engage the services of a peace officer under section 5 of the Act must apply on a form approved by the Director and must
 - (a) specify the duties and responsibilities proposed for the peace officers,
 - (b) specify the enforcement authority requested for the peace officers,
 - (c) provide a code of conduct for peace officers that meets the requirements of this Regulation and describe the penalties that may be imposed for contravention of the code of conduct,
 - (d) describe the geographic area where the peace officers are proposed to have jurisdiction,
 - (e) provide evidence satisfactory to the Director that the applicant has a records management system and an operational records systems that meets the requirements of this Regulation,
 - (f) provide the name of a contact person, other than a peace officer, who is a person in a senior management position with the authorized employer,
 - (g) provide confirmation of liability insurance, unless the applicant is the Crown, a Crown agency, or an applicant from outside Alberta, and
 - (h) unless the Minister otherwise permits, provide a memorandum of understanding that meets the requirements of section 17.
- 5(2) A person is not eligible to be appointed as a peace officer unless satisfactory evidence is provided to the Director that the applicant
 - (a) has provided 3 satisfactory references from persons satisfactory to the authorized employer;
 - (b) if the nature of the work in which the peace officer so requires, successfully completes a physical abilities evaluation test approved by the Director;
- 5(3) In considering an application under subsection (1), and for the purpose of determining the eligibility and suitability of the person concerned, the Director may, with the consent of that person, conduct
 - (a) a background check, and
 - (b) a review of information held by police services, law enforcement agencies within Alberta and outside Alberta, and government agencies within Alberta and outside Alberta.
- 7 A peace officer must take the oath of office set out in the Schedule before undertaking the duties and responsibilities as a peace officer for the authorized employer, unless the peace officer is appointed as a result of an application made by an authorized employer under section 3.

Fee exemption:

- Out-of-province police and peace officer agencies are fee exempt.

All other sections still apply.

Out of Province Police/Peace Officer agency applications must include:

- A cover letter from a person of senior rank requesting entry into the program as well as a completed Section 3 - Authorization to Employ Peace Officers application.

The Section 3 (Out of Province Police/Peace Officer) Authorized Employer Application Form at Appendix E must be attached to the cover letter and ensures that all information required by the Director under the *Peace Officer (Ministerial) Regulation* is obtained.

3.3 Approval Process

- a) The Public Security Division will review completed applications upon receipt and, if satisfied that a legitimate need for the provision of peace officer status exists, shall issue an employer's authorization. Terms and conditions may be imposed on the authorization that the Director considers appropriate.
- b) If an application is found to be incomplete, the Public Security Division will contact the applicant to clarify information or request additional policies or procedures.
- c) Once an application meets legislative and policy requirements, the Public Security Division can normally issue the authorization within 10 working days.
- d) Urgent/emergent circumstances. In the event of urgent or emergent circumstances, processing time for the Authorization to Employ Peace Officers and associated Peace Officer Appointments may be processed within 1-2 business days or less.
- e) The Authorization to Employ Peace Officers shall be printed on the approved form and signed by the Director of the Public Security Division or an authorized designate (see example at Appendix G). This appointment will detail the permitted authorities, jurisdiction, weapons and equipment, and any other terms and conditions.
- f) The original Authorization to Employ Peace Officers shall be forwarded to the employer and a copy retained on the Public Security Division file.
- g) Authorization not approved. If an application for Authorization to Employ Peace Officers is unable to be approved, the Public Security Division shall advise the applicant, in writing, outlining the reasons for the decision.

4.0 APPLICATIONS FOR PEACE OFFICER APPOINTMENT

An individual who meets the criteria set out in the *Peace Officer (Ministerial) Regulation* must make application for a Peace Officer Appointment through an authorized employer. The Public Security Division shall review each application to ensure the applicant meets legislated requirements. Applicants satisfying the requirements may be issued a Peace Officer Appointment in accordance with Section 7 of the Act and Section 5 of the *Peace Officer (Ministerial) Regulation*.

5.0 ALBERTA PEACE OFFICERS – LEVELS 1 AND 2

5.1 Alberta Peace Officer – Level 1

- a) Employed through Alberta Solicitor General and Public Security. May have authority to carry a sidearm under authority of the Act.
- b) Peace officers are provided with approved training and possess the authority to enforce provisions of federal and provincial statutes specific to their mandate. This includes enforcing traffic violations on Alberta highways, providing prisoner transport and court security. Also included in this level would be protection services for the Premier, Lieutenant Governor, VIPs and other individuals as deemed necessary.

5.2 Alberta Peace Officer – Level 2

- a) Employed by the Government of Alberta or the Government of Canada.
- b) These peace officers possess knowledge that is very specific to a particular subject and conduct a range of duties that include fraud investigations, fish and wildlife officers, and inspector and compliance officers conducting enforcement under provincial statutes.
- c) Alberta Government Peace Officers/Federal Peace Officers in this category that carry firearms or other weapons have authority to do so via an enactment other than the *Peace Officer Act*.

5.3 Deleted (2012)

5.4 Requirements for Appointment

Qualifications:

- a) Two-year diploma program from a post secondary learning institution or equivalent education and experience; or education and experience suitable to the authorities sought by the employer.
- b) Minimum age of 18 years old.
- c) Competent and of good character.
- d) No criminal record, or if the person has a criminal record, that a pardon has been granted.
- e) No outstanding criminal charges and not subject of a criminal investigation. A criminal record and police check must be completed and submitted by the authorized

employer. **NOTE:** Criminal record and police checks will only be recognized as valid for ninety (90) days after the law enforcement agency has completed the check.

- f) Indicate that three reference checks satisfactory to the employer have been completed.
- g) Successful completion of an approved physical abilities evaluation test for uniformed enforcement roles. Authorized employers may use a variety of physical evaluations tests but these tests must be reviewed and approved by the Director. Currently approved tests are:
 - Physical Abilities Requirement Evaluation: This is the current standard for many Alberta police agencies and can be completed at a number of institutions in Alberta. For the purposes of this program a passing score is at or under four minutes and forty five seconds (00:04:45).
 - Correctional Officer Physical Aptitude Test.
 - Police Officer Physical Aptitude Test.
 - Alberta Physical Readiness Evaluation for Police.

Other tests may be approved after submission and review by the Director.

- h) Successful completion of training course(s) approved by the Director.
- i) A review of information held by police services, law enforcement agencies within and outside Alberta, and government agencies within and outside Alberta will be conducted by the Public Security Division. Based on information returned an assessment will be conducted to determine if the applicant is eligible and suitable to carry a peace officer appointment.

5.5 Required Alberta Peace Officer Training - Section 5(2)(i) of the *Peace Officer (Ministerial) Regulation*

Prior to issuing any appointments under this program, the following training requirements must be met for Alberta Peace Officer Levels 1 and 2.

- a) For the purposes of the authorities granted on the Peace Officer Appointment, training must be a Government of Alberta approved training curriculum as developed by each ministry. Ministries must submit detailed information on the training offered to peace officers and are responsible for showing how the training is sufficient for peace officer authorities granted through this program.
- b) If no in-house training courses exist the Community Peace Officer Induction Course taught at the Solicitor General and Public Security Staff College is the minimum required training for issuance of this category of appointment, dependant on job functions and authorities sought.

6.0 COMMUNITY PEACE OFFICERS – LEVELS 1 AND 2

6.1 Community Peace Officer - Level 1

Employed by municipalities and counties in Alberta to fulfill a range of roles including enforcement of provincial statutes. A Level 1 Community Peace Officer enforces moving violations under the *Traffic Safety Act* and/or elements of the *Gaming and Liquor Act*.

Agencies responsible for providing a safe and secure environment for public and/or private property are included in this category if they are armed with baton and/or OC spray and have requested peace officer authority beyond the ability to enforce non-moving traffic offences. Examples of this category are transit security agencies operated by a municipality, some post-secondary institutions, and a county and/or municipal patrol service.

Enhanced Authorities

Within the Peace Officer Program, the Community Peace Officer Level 1 may hold enhanced authorities in order to provide a better service to the community and/or a supplemental service to the police service of jurisdiction. These authorities, as follow, will only be granted after specified and approved training programs have been successfully completed:

- Non-urgent community calls: Criminal Code authority may be granted for the offences of 'Theft not exceeding \$5000' and 'Mischief not exceeding \$5000'.
- Criminal Code warrants: Ability to arrest and release, unless Judicial Interim Release hearing required.
- Motor vehicle collisions: Ability to investigate and submit reports involving non-injury events.

6.2 Requirements for Appointment

Qualifications:

- a) Grade 12 or equivalent qualification.
- b) Minimum age of 18 years old.
- c) Competent and of good character.
- d) No criminal record, or if the person has a criminal record, that a pardon has been received.

- e) No outstanding criminal charges and not subject of a criminal investigation. A criminal record and police check must be completed and submitted by the authorized employer. **NOTE:** Criminal Record and police checks will only be recognized as valid for ninety (90) days after the law enforcement agency has completed the check.
- f) Indicate that three reference checks satisfactory to the employer have been completed.
- g) Successful completion of an approved physical abilities evaluation test for uniformed enforcement roles. Authorized employers may use a variety of physical evaluations tests but these tests must be reviewed and approved by the Director. Currently approved tests are:
 - Physical Abilities Requirement Evaluation: This is the current standard for many Alberta police agencies and can be completed at a number of institutions in Alberta. For the purposes of this program a passing score is at or under four minutes and forty five seconds (00:04:45).
 - Correctional Officer Physical Aptitude Test.
 - Police Officer Physical Aptitude Test.
 - Alberta Physical Readiness Evaluation for Police.Other tests may be approved after submission and review by the Director.
- h) Successful completion of training course(s) approved by the Director.
- i) A review of information held by police services, law enforcement agencies within and outside Alberta, and government agencies within and outside Alberta will be conducted by the Public Security Division. Based on information returned, an assessment will be conducted to determine if the applicant is eligible and suitable to carry a peace officer appointment.

6.3 Deleted (2012)

6.4 Required Community Peace Officer Level 1 Training - Section 5(2)(i) of the *Peace Officer (Ministerial) Regulation*

- a) The Community Peace Officer Induction Course taught at the Solicitor General and Public Security Staff College is the minimum required training for issuance of this category of appointment or equivalent, as approved by the Director.
- b) 'Enhanced training' is required to support the authorities of non-urgent community calls, non-injury motor vehicle collision (MVC) investigations, and Criminal Code warrant execution. These courses are available through the Solicitor General and Public Security Staff College and must be completed prior to the authority being issued. Equivalents may be approved by the Director.

6.5 Community Peace Officer Level 1 Training Equivalents

- a) Must have been a serving police officer in Canada within the past 5 years.
- b) Alberta Infrastructure and Transportation Commercial Vehicle Enforcement (CVE) training; equivalent to Community Peace Officer Induction Course but not 'enhanced authorities'. If enhanced authorities are required, the applicable training must be completed.
- c) Provincial Sheriff Traffic Operations Training; equivalent to Community Peace Officer Induction Course, Motor Vehicle Collision (MVC) investigation training and Criminal Code warrant execution but does not allow non-urgent community call authority.
- d) Fish and Wildlife Training; equivalent to Community Peace Officer Basic Training, non-urgent community call authority and Criminal Code warrant execution but does not allow MVC investigation training.
- e) Conservation Officer Training provided to full time officers; equivalent to Community Peace Officer Basic Training, and Criminal Code warrant execution but does not allow MVC investigation training.
- f) A post secondary diploma or degree in a law enforcement related discipline, **within the past 5 years of application**, will qualify an applicant for entry into the program as a Community Peace Officer Level 1 but exclude moving traffic, liquor enforcement duties, and enhanced authorities until Basic Peace Officer Training courses are successfully completed.
- g) Retired police officer training/experience is equivalent to a law enforcement diploma/degree for the purposes of issuing a Level 2 Community Peace Officer (CPO2) appointment only.

6.6 Community Peace Officer - Level 2

Fulfill a range of roles that are administrative in nature or have a narrow focus. Authority at this level does not include moving violations under the *Traffic Safety Act* (except for Automated Traffic Enforcement operators) or any elements of the *Gaming and Liquor Act*.

Examples are exhibit custodians for police services, RCMP detachment clerks, parking enforcement officers, automated traffic enforcement operators, and animal control specialists.

- a) No Uniform Requirement. Level 2 Community Peace Officers are not held to a uniform requirement, however, the Level 1 uniform and vehicle requirements may be utilized if the authorized employer so desires.

- b) Restrictions on Uniform Design. Authorized employers choosing to develop their own uniforms must abide by Section 54(2) of the *Police Act* which prohibits the wearing of a uniform that would lead the public to a mistaken belief that the wearer is a police officer. They must also ensure that the design does not duplicate the Alberta Peace Officer uniform in a manner that would lead the public to a mistaken belief that the wearer is an Alberta Peace Officer.
- c) Community Peace Officers Level 2 are not permitted to drive vehicles with red/blue lights unless approved by the Director of Law Enforcement after submission of a business case.

6.7 Requirements for Appointment

Qualifications:

- a) Grade 12 or equivalent qualification.
- b) Minimum age of 18.
- c) Competent and of good character.
- d) No criminal record, or if the person has a criminal record, that a pardon has been received.
- e) No outstanding criminal charges and not subject of a criminal investigation. A criminal record and police check must be completed and submitted by the authorized employer. **NOTE:** Criminal record and police checks will only be recognized as valid for ninety (90) days after the law enforcement agency has completed the check.
- f) Indicate that three reference checks satisfactory to the employer have been completed.
- g) Successful completion of an 'in-house' training program developed by the authorized employer and approved by the Director.

6.8 Deleted (2012)

6.9 Required Training under Section 5(2)(i) of the POMR

Due to the narrow scope of job roles in this category, Solicitor General and Public Security Staff College training is not required but is recommended.

Each employer is responsible for developing a training course that is sufficient to deliver the necessary skills and knowledge enabling an effective delivery of services.

This training course will be submitted to the Public Security Division for retention and review.

Prior to an appointment being issued for this category, the authorized employer must indicate that the training course on file has been successfully completed by the applicant.

7.0 OUT OF PROVINCE POLICE/PEACE OFFICERS

7.1 Qualifications

- a) Minimum age of 18 years old.
- b) Competent and of good character.
- c) No criminal record, or if the person has a criminal record, a full pardon has been received.
- d) No outstanding criminal charges and not subject of a criminal investigation. A criminal record and police check must be completed and submitted by the authorized employer. **NOTE:** Criminal record and police checks will only be recognized as valid for ninety (90) days after the law enforcement agency has completed the check.
- e) Be qualified, within the past 12 months of the application, on any firearms the police/peace officer may be carrying in Alberta.
- f) Be qualified, within the past 36 months of the application, on any other weapons the police/peace officer may be carrying in Alberta.
- g) Successful completion of a training course recognized by the authorized employer as suitable to the job functions/duties to be carried out by the applicant.

8.0 Deleted (2012)

9.0 PEACE OFFICER APPOINTMENT APPLICATION PROCESS

Requests for appointment of an individual to peace officer status must include the following:

- a) Cover letter from the designated contact person requesting the appointment.
- b) The peace officer application form found in Appendix B must be attached to the cover letter and is the method for providing all information required by the Act and Regulations.
 - The full legal name of the applicant must be provided on all forms.
- c) Original or certified true copy of the criminal record check, and copies of educational/training certificates, and physical abilities test results (if applicable).
- d) Color photo (head shot) of the applicant which can be a passport photo or good quality digital photo. Digital photos may be sent via email, CD or DVD but the department can no longer accommodate photos on 3.5 floppy disks.
- e) Cheque or money order in the amount of \$100.00 made payable to the Provincial Treasurer.

Fee exemptions:

- Crown agencies (federal or provincial).
- Applications made by out of province agencies through Section 3 of the POMR.

All applications will be assessed and reviewed for suitability within the framework of legislation and policy.

Peace officers appointments shall be printed on the approved form and signed by the Director of Law Enforcement or their designate (Example in Appendix H). This appointment will detail permitted authorities, jurisdiction, weapons and equipment, titles permitted, and any other terms and conditions.

The original Peace Officer Appointment shall be forwarded to the authorized employer and a copy shall be retained on the Public Security Division file.

9.1 Appointment Not Approved

If an application for appointment is not approved, the Public Security Division will advise the applicant in writing, outlining the reasons for the decision.

In the event that an application is denied due to background, police, or government information checks, a letter will be sent to both the authorized employer and applicant stating that the information obtained through Section 5(3)(c) of the *Peace Officer (Ministerial) Regulation* led to the rejection. Due to the nature of the information being accessed, further details will not be provided to the authorized employer.

The applicant may contact the Public Security Division in writing and the department may share details of the rejection if permitted and appropriate.

NOTE: A rejection of the issuance of an appointment under this legislation by the Public Security Division does not refer to suitability for employment, only the suitability of that person to carry the authorities and powers issued through this program.

9.1.1 *Peace Officer (Ministerial) Regulation* – Section 5(3) Background Check

Policy and Procedure

Background

For applicants to reach this stage in their application they must not have a criminal record or, if they have a criminal record, that they have received a pardon with respect to that record, as per Section 5(2)(d) of the *Peace Officer (Ministerial) Regulation*.

Section 5(3) of the *Peace Officer (Ministerial) Regulation* allows the Public Security Division (PSD) the ability to conduct a comprehensive records search in relation to peace officer applicants. This new screening process, not found in the old Special Constable Program, was introduced May 1, 2007 with proclamation of the *Peace Officer Act* (the “Act”). This element was introduced as the MLA who chaired the Special Constable Program Review made the following recommendation which was accepted by government:

“Stronger qualifications will support a more stringent recruitment process, thereby increasing accountability and professionalism within the program.”

The following databases are searched for all Alberta peace officer applicants and Level 1 Community Peace Officer applicants.

- APSNet
- EPROS
- PIP
- NCDB
- PIMS/PIRS
- PROS

Due to the limited scope of authorities provided, Level 2 Community Peace Officer applicants do not require a background check unless requested by the employer and approved by the Director.

Intent

The intent of the background checks is to gather information held by police services and government agencies to assess the suitability of the applicant to obtain a peace officer appointment. As peace officers are not normally directly employed by Public Security Division, a suitability assessment upon application is the primary method through which potential risk can be managed. The level of risk is assessed by reviewing data held by police and government agencies in relation to an applicant's past interactions with law enforcement.

Assessment Factors

Information received is subject to third party confidentiality/confirmation and only contains a brief summary of the data held. Due to the limited nature of information collected during this phase, it cannot be used as sole grounds for reaching a decision to recommend an appointment or the denial of an appointment to the Director of Law Enforcement (DLE). In situations where information is reported from the database searches, there may be a need for Public Security Division staff to contact the involved police agency directly to gather more detailed information.

The following are circumstances in which an applicant is listed on a database as a *suspect*, *accused* or *subject of complaint* should result in further inquiries by the Public Security Division:

- Potential involvement with serious crimes against a person (robbery, sexual assault, kidnapping, etc).
- Potential involvement with child welfare issues.
- Potential involvement in organized crime.
- Any notations made by the screening agency to contact a police investigator in relation to an applicant.
- More than one files showing potential involvement with crimes against a person within the last five years (domestic assault, assault, uttering threats).
- Potential involvement with crimes against an employer within five years (theft, fraud, etc).
- Any noted pattern of potential involvement in criminal/drug offences within five years of application.
- More than one provincial offence within the last five years in which a person was:
 - Lodged in cells due to intoxication; or
 - Subject of *Mental Health Act* complaint.
- Any criminal/drug files within six months of the application should be reviewed to determine if the file is open and if charges may result.

- Any pattern or combination of potential involvement in criminal or provincial offences that may call into question the suitability of the applicant to hold a peace officer appointment.

Information Assessment/Job Evaluation

Information reported by a police agency needs to be measured and compared to the peace officer role for which the applicant is being considered. Information that may suggest a level of risk in granting a peace officer appointment for one job position may not always be seen as an unacceptable risk in a different job role.

NOTE: *Please be advised that successful completion of this background check process does not guarantee successful completion of a subsequent enhanced security check that may be completed by a police service.*

9.1.2 Background Check Deferral Process

An applicant may be deferred from participation in the program for a period of time dependent on background issues detected. Deferrals will normally be for 1 to 5 years.

The following criteria will be reviewed in assessing if a deferral is more appropriate than a rejection:

- a) The application would normally be denied but there is reasonable likelihood the problematic issue or behavior would be corrected with the passage of time and development of maturity.
- b) The behavior may be attributed to the 'developing adult' phase of approximately 18-24 years of age where the same behavior would be less-tolerated in a developed adult. This includes behavior of alcohol abuse, minor drug use, anti-authoritarian display or other correctable behavior.
- c) The behavior is not part of a continuing pattern.
- d) Mental illness related events where the passage of time will determine if the issues have been brought under control.
- e) Anti-social behavior brought on by unique circumstances that may be alleviated as the circumstance passes. This may include divorce or relationship issues as well as negative financial issues.

9.3 Notification of Cessation of Appointment

An authorized employer of peace officers shall advise the Public Security Division when a peace officer ceases to be employed as a peace officer. The applicable peace officer appointment and identification card shall be returned to the Public Security Division without delay.

Upon notification by an authorized employer that a peace officer is no longer employed, the Public Security Division shall cease the peace officer appointment on the peace officer database.

If the peace officer appointment and identification card are not returned by the authorized employer within a reasonable timeframe, the Public Security Division shall contact the authorized employer and request the documents be returned.

If a peace officer appointment is ceased as a result of cancellation or suspension of the authorization to employ peace officers under Section 9 of the POA, the Public Security Division shall advise the peace officer, through the authorized employer, in writing, and request that the original peace officer appointment and identification card be returned to the division. The peace officer shall be removed from the peace officer database.

9.4 Oath of Office

- a) Upon a peace officer appointment being granted, the oath of office at Appendix D shall be completed by the peace officer in accordance with Section 7 of the *Peace Officer (Ministerial) Regulation*.
- b) The Public Security Division shall enclose an oath of office with each peace officer appointment sent to an authorized employer.
- c) The signed oath of office shall be retained on the authorized employer's file and subject to review upon request by the Public Security Division.
- d) The oath of office must be sworn in front of a registered commissioner of oaths for the Province of Alberta.

10.0 PEACE OFFICER IDENTIFICATION CARDS

- a) In accordance with Section 9 of the *Peace Officer (Ministerial) Regulation*, the Public Security Division shall issue each peace officer an identification card signed by the Assistant Deputy Minister/Director of Law Enforcement (ADM) of the Public Security Division. The peace officer shall carry this ID card at all times while on duty.
- b) The Public Security Division shall forward the identification card to the authorized employer.
- c) If a peace officer loses the peace officer identification card, the loss must be immediately reported to a police service, the authorized employer and, in writing, to the Public Security Division.
- d) A new identification card will be issued to the authorized employer for delivery to the peace officer upon receipt of the written notification of a loss or theft.
- e) An identification card will not be issued for admission to training programs.

11.0 MODIFICATIONS TO AUTHORIZATIONS OR APPOINTMENTS

Requests to amend authorizations or appointments must be made through the completion of an Amendment/Authorization form as shown at Appendix X. Upon approval of the application by the Public Security Division, a new authorization or appointment will be issued and the previous document must be returned to the Public Security Division.

Requests must be in writing from the authorized employer's contact person and can be made for the following reason(s):

- a) Add or delete legislation/authorities.
- b) Add or delete jurisdictional areas.
- c) Add or delete weapons, tools or equipment.
- d) Modify working titles.
- e) Add or delete terms and conditions.
- f) Any other reason not stipulated above that would impact on the authorization or appointment.

In considering the application, the Director, through the Public Security Division, pursuant to the changes being requested, may:

- a) Require that additional information be provided in support of the request.
- b) Require modification to existing policies or procedures or implementation of new policies or procedures.
- c) Impose new terms or conditions in accordance with Section 5(4) of the Act.

If the request for revision to the authorization or appointment is not approved, the Public Security Division shall advise the employer, in writing, outlining the reasons for the decision.

12.0 REQUESTS AND AUTHORIZATIONS FOR TEMPORARY EXPANSIONS OF JURISDICTION

12.1 Alberta Peace Officers

Alberta Peace Officers are granted jurisdictional authority throughout the Province of Alberta.

12.2 Community Peace Officers

Community Peace Officers are granted authority throughout the Province of Alberta (excluding 1 and 2-digit highways, unless invited under Section 12.3) for the purposes of safety issues (see definition below), emergency vehicle response, courthouse issues, and to facilitate Joint Enforcement Operations (JFO).

Agencies are required to create internal policy that normally restricts enforcement activities to the 'home' municipality or to other municipalities covered by a service agreement.

NOTE: Service agreements must still be reviewed and filed with the Public Security Division in accordance with Section 13 of this manual.

Agencies may choose to decline this level of authority by submitting written notification to the Peace Officer Program Manager.

Operational Policy

'Safety Issue' Defined:

- A traffic offence is witnessed where public safety is clearly put at risk (it is not possible to list all public safety type offences and common sense should be used in these circumstances).

Required Process:

- The police service of jurisdiction (or Community Peace Officer agency that enforces traffic offences, if applicable) must be contacted to seek their direction on how to proceed. The police service or CPO agency has the option of sending a member, directing that a ticket be issued, or provide other direction. **Nothing precludes a police service and peace officer agency from creating a standard operating procedure to cover these situations should both parties so desire.*
- **All violation tickets written outside of the 'home' jurisdiction under this authority will be reported to the DLE within 30 days using an incident report form. This data will be used for tracking purposes.**

- Jurisdictions that do not form part of the 'home' jurisdiction, or otherwise serviced under a contract, may not be patrolled as part of normal duties.

12.3 Joint Force Operations

Occasionally, requests are made by police services, commercial vehicle enforcement, or other authorized employers, to utilize the services of a peace officer for cooperative events for a specific duration (i.e. selective traffic enforcement programs, bicycle rodeos, commercial vehicle safety inspections, etc).

Peace officers may, on a temporary basis, provide services to a police service, inspection service or other authorized employer as a temporary duty commensurate with their peace officer appointment.

a) For those agencies who have chosen to accept jurisdiction throughout the Province of Alberta, JFOs outside of 'home' jurisdiction may be conducted as follows:

- On 1 and 2-digit highways with:
 - a written invitation of a police agency or provincial enforcement agency with unrestricted jurisdictional authority in Alberta, and
 - the enforcement is part of a specific enforcement initiative of a short duration.
- Anywhere in Alberta (excluding 1 and 2-digit highways) with:
 - the written invitation of the police service of jurisdiction, Alberta Peace Officer Agency, or the resident Community Peace Officer agency.
- Copies of invitations issued under 12.3(a) must be maintained as an agency record.
- Violation tickets written as part of a JFO do not need to be reported to the Director.

These requirements will be audited as part of the regular audit process.

b) For those agencies who have chosen to decline jurisdiction throughout the Province of Alberta, JFOs outside of home jurisdiction may be conducted as follows:

1. In order to provide temporary services, an Authorization for Temporary Expansion of Territorial Jurisdiction issued by the Director is required. This authorization will stipulate the amended territorial boundaries and the applicable dates. (See Appendix M)

2. To obtain an Authorization for Temporary Expansion of Territorial Jurisdiction, the authorized employer of a peace officer must make a request in writing by completing the approved form at Appendix L. The request must:
 - (a) Be received by the Public Security Division a minimum of 20 business days prior to the start of the expanded authority. Requests that do not allow sufficient time for processing may not be accommodated.
 - (b) Identify the peace officer(s) by name and number.
 - (c) Specify the rationale for expanded jurisdiction.
 - (d) Detail the jurisdiction(s) for which authority is being sought.
 - (e) Specify the dates requested.
 - (f) Ensure that the required signatures from the inviting and accepting agencies are on the form prior to submission.
 - (g) Any other pertinent information not listed on the form.

The Authorization for Temporary Expansion of Jurisdiction (example in Appendix M) will stipulate the expanded territorial authority and specify the dates for which the document is in force. It does not expand the authorities listed on the appointment, nor is it intended to provide additional authorities, other than those listed on the original appointment.

Once the authorization is issued to the authorized employer, it should be retained on file as evidence of the expanded territorial authority for any future evidentiary purposes.

In the event that an unexpected need for a temporary duty arises, a faxed copy can be sent to the authorized employer and can be acted upon as a valid document pending the receipt of the original document.

Authorizations will only be issued for events not exceeding a 30 day period.

The authorized employer is responsible for notifying the Public Security Division of any changes of dates so that an amended Authorization for Temporary Expansion of Jurisdiction can be produced.

13.0 SHARED OR CONTRACTED SERVICE AGREEMENTS

It is allowable for an authorized employer to enter into peace officer service agreements with other municipalities. In situations where a hamlet, village or other municipality is desirous of peace officer services for a limited number of hours but are not desirous of becoming an authorized employer, they can enter into a written agreement with an authorized employer for peace officer services.

Two or more authorized employers in bordering municipalities may enter into written agreements to share the services of peace officers across a number of jurisdictions.

In all cases where such agreement are entered into, copies of the agreement shall be provided to the Public Security Division and will be used to amend the authorization and appointments to include the contracted party or additional jurisdictions.

Agreements must address at a minimum:

- That all parties involved have the necessary insurance coverage to enter into the agreement.
- A plan detailing how public complaints will be handled.
- Clearly indicate which jurisdictions and highways are covered in the agreement.
- Delineation of liability.
- Any other issues of concern to the parties involved.

A sample shared service agreement is found at Appendix P that assists authorized employers with understanding the requirements of these agreements.

14.0 MULTIPLE PEACE OFFICER DESIGNATIONS

A peace officer may be employed by more than one authorized employer provided a written agreement is in place between authorized employers prior to additional appointments being issued.

Specifications:

- a) A peace officer shall only be employed by more than one authorized employer if there is a written, signed agreement among the employers (see example at Appendix O). A copy of the agreement must be forwarded to the Public Security Division for approval and inclusion on the files of participating authorized employers.
- b) A peace officer appointment resides with the authorized employer and is not portable. In the event that a peace officer is employed by two separate authorized employers, the peace officer is governed by the appointment authorities granted under each authorized employer and cannot exercise authority from one appointment while employed by the second authorized employer. For example: a peace officer for the City of St. Albert with authority under the *Gaming and Liquor Act* (GLA), also works for the City of Edmonton photo radar unit. While working in Edmonton, the peace officer would have no authority under the GLA.
- c) A peace officer employed by more than one authorized employer will be required to abide by the policies and procedures of each separate authorized employer while actively employed by each authorized employer.
- d) If there is an apparent conflict arising from a peace officer employed by multiple authorized employers, the Public Security Division may decline to process the application.
- e) A peace officer employed by joint authorized employers shall have separate peace officer appointments, one for each designated authorized employer.
- f) The “K” Division RCMP Auxiliary Police Program permits peace officers to carry multiple appointments, but federal policy does not allow them to enter into written agreements for services as outlined in this section. Multiple applications for RCMP auxiliary constables will be processed without the written agreement unless the Public Security Division identifies an apparent conflict.

15.0 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

The Public Security Division shall comply with the provisions of the *Freedom of Information and Protection of Privacy Act* (FOIPA) regarding a formal request for release of the policies and procedures submitted by authorized employers pursuant to applicable legislation.

- a) The *Peace Officer Act* and regulations require each authorized employer to submit specific policies and procedures to the Public Security Division of Alberta Solicitor General and Public Security. These written policies and procedures fall within the definition of “record” as set out in Section 1(p)(i) of FOIPA.
- b) Each request for information regarding the policies and procedures of an authorized employer must be examined on its own merits. If an informal request is made by phone or in writing for access to the policies and procedures that are submitted by an authorized employer, the Public Security Division will advise the authorized employer, in writing, and advise them of the request. Callers requesting this information will be directed to contact the authorized employer.
- c) If a formal request for information is made through FOIPA, the requirements of FOIPA must be met.

16.0 PUBLIC SECURITY DIVISION RESPONSIBILITIES

16.1 Authorization Suspension or Cancellation

Allowing an agency to employ peace officers incurs responsibility and accountability requirements under this program. The *Peace Officer Act* contains a number of requirements applicable to the Public Security Peace Officer Program that must be adhered to. To ensure that employers are held accountable for their agency's and employee's actions, the *Peace Officer Act* has legislated remedies, as detailed in Section 6 of the Act.

The Director may suspend or cancel any Authorization to Employ Peace Officers if 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 reasonably ought 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.
- h) Failed to comply with a direction of the Director under this Act or the Regulations.

The authorized employer has a responsibility to ensure that peace officers act within the provisions of the authorization in conjunction with their appointments. The authorized employer must establish policies and guidelines that clearly support the limitations and authorities as stipulated in the authorization and must sufficiently supervise peace officers to ensure compliance.

- a) Any recommendation to suspend or cancel an Authorization to Employ Peace Officers shall be made, in writing, by the Public Security Peace Officer Program Manager to the Director.
- b) The Director will review the recommendation and if a decision is made to suspend or cancel, will notify the authorized employer, in writing, of the suspension or cancellation.

- c) If an Authorization to Employ Peace Officers is suspended or cancelled, the authorized employer must return the original Authorization to Employ Peace Officers to the Public Security Division.
- d) The period of suspension will be reviewed after thirty (30) days. If a decision to continue the suspension is made, it will be reviewed after a sixty (60) day period. If the matter has not been resolved at that time, the Authorization to Employ Peace Officers may be cancelled.
- e) A suspension of an Authorization to Employ Peace Officers may be lifted at such time as the Director is satisfied that the cause of the violation has been remedied.
- f) The Director shall notify the authorized employer, in writing, when a suspended Authorization to Employ Peace Officers has been re-instated.
- g) In the event of a cancellation of an Authorization to Employ Peace Officers, the authorized employer may, within thirty (30) days from the day a written notification is received, file a notice of appeal to the Law Enforcement Review Board detailing the grounds upon which the appeal is based as per Section 20 of the Act.
- h) In the event of a suspension or cancellation of an Authorization to Employ Peace Officers, all peace officer appointments that derive from the authorization will cease under Section 9 of the *Peace Officer Act* until the matter has been resolved.

16.2 Appointment Suspension or Cancellation

Holding a peace officer appointment requires adherence to Public Security and Peace Officer Program responsibility and accountability requirements. The *Peace Officer Act* details requirements specifying that those choosing to participate in the program must abide by Section 8 of the Act to ensure that peace officers are held accountable for their actions.

The appointment of a person to peace officer status is not directly related to the employment status of an individual. Peace officer appointments granted through this program are designed to supplement a safety and/or enforcement job function. Suspension or cancellation of an appointment, from a program perspective, has no bearing on the overall employment status of that individual.

The Director may suspend or cancel a peace officer appointment if the individual:

1. Has been charged with or is 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.
2. Has been charged with or convicted of an offence under this Act or the Regulations.
3. In the Minister's opinion, has contravened the terms of the peace officer's appointment.

4. Has acted in a manner that could bring the office of peace officer into disrepute. 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 of the decision in writing.

When a peace officer appointment is cancelled by the Director, the person whose appointment is cancelled may, within thirty (30) days from the day they were advised in writing of the cancellation, file a written notice of appeal to the Law Enforcement Review Board setting out the grounds on which the appeal is based.

When a peace officer appointment is suspended by the Director of Law Enforcement, there is no ability to appeal to the Law Enforcement Review Board.

Any notice of suspension or cancellation of a peace officer appointment by the Director will be made in writing to the authorized employer and the peace officer.

16.2.1 When Action may be Taken by the Director of Law Enforcement

Except in circumstances in which the public interest is a serious concern, these powers will be exercised after the Authorized Employer's internal human resources discipline process/investigation has been completed. If discipline has been imposed by the Authorized Employer, action taken under the Act will not occur until all avenues of grievance and appeal are concluded. In cases where a grievance or appeal has been initiated by the peace officer, action under the Act will not normally occur until this process is completed.

In cases where a serious public interest concern is identified, the Director may temporarily suspend the peace officer appointment until the internal human resources process is completed as detailed above.

16.3 Law Enforcement Review Board (LERB)

Section 20 of the *Peace Officer Act* provides for the Law Enforcement Review Board (LERB) to hear appeals pertaining to cancellations of authorizations or appointments in those circumstances where the Director has implemented a cancellation via Sections 6 or 8.

Under the *Peace Office Act*, the LERB lacks authority to hear cases in which peace officer appointments are ceased through Section 9 of the Act. This includes circumstances where the Director has suspended an Authorization to Employ Peace Officers or where an employer has terminated the employment of a peace officer.

In the event that an Authorization to Employ Peace Officers or a peace officer appointment is cancelled, the person(s) affected may, within thirty (30) days from the date that they were advised in writing of the cancellation, file a written notice of appeal to the LERB, with the secretary of the board, setting out the grounds for the appeal.

The LERB, upon completion of the appeal will:

1. In the case of a cancellation of an employer's authorization, provide its recommendation(s) to the appellant and the Minister.
2. In the case of a cancellation of a peace officer appointment, provide its recommendation(s) to the appellant, the peace officer's employer, and the Minister.

The Minister has the authority to accept or reject the LERB recommendation(s) as detailed in Section 22 of the *Peace Officer Act*.

17.0 INSPECTION AND INVESTIGATION PROCESS

Under the Act, the Director or delegate has authority to conduct inspections or investigations to ensure that requirements of the Act, Regulations, and policy are being properly exercised. The primary focus of either process is to work with the authorized employer to correct any issues and/or deficiencies and ensure that the service being delivered to the public is of the highest standard.

17.1 Authority for Inspections

Inspections are a legislated process permitted pursuant to Part 3 of the Act. They occur in accordance with a risk management protocol established by the department, or otherwise at the Director's direction. Copies can be provided to interested parties on request.

Inspections are carried out by Public Security Peace Officer Program auditors and investigators under the direction of the program manager.

17.2 Inspection Process

1. The Public Security Division will notify the authorized employer in writing, thirty (30) days in advance of an inspection taking place. The date and time will be suitable to both parties involved and, except in unusual circumstances, occur during normal business hours.
2. The authorized employer will facilitate this process by providing a private working space and photocopier if possible.
3. In the event books, records, reports, documents, or other items need to be removed a receipt for those items will be issued and they shall be returned within a reasonable period of time.
4. Access to all records pertaining to program operations shall be made available upon request. This includes access to all data recorded in electronic format.
5. Photographs of equipment or any other relevant items may be taken.
6. Interviews with peace officers or other staff may be conducted.
7. Upon completion, a letter detailing what immediate steps must be taken to deal with detected safety/legal issues, if any, will be sent to the authorized employer by registered mail within three business days.
8. Within 120 days, a formal report of the findings will be sent to the employer and may include recommendations or directions to assist in complying with the act, regulations, and policy.

17.3 Inspection Objectives

1. Ensure that authorized employers, as well as the peace officers employed by them, are in compliance with the *Peace Officer Act*, *Peace Officer Regulation*, *Peace Officer (Ministerial) Regulation*, and Public Security Peace Officer Program policy.
2. Review operational files and assess for adequacy and compliance to applicable legislation, policies, procedures and other guidelines as may be applicable.
3. Review exhibits and equipment for adequacy and compliance to applicable legislation, policies, procedures and other guidelines as may be applicable.
4. Review for adequacy and effectiveness the monitoring procedures in use by the managers and supervisors.

Areas to be reviewed may include, but are not limited to the list below. Normally, the material reviewed will date back two years prior to the inspection. The exact time frame may change based on the volume and complexity of files held by the authorized employer.

- Operational files.
- Exhibits and exhibit logs.
- Dispatch logs.
- Investigative files.
- Officer notebooks (past and present).
- Personnel files (relating to training, qualifications, discipline issues related to the legislation and policy).
- Details and files on public complaints made against peace officers (past five years).
- Vehicles and equipment.
- Duty equipment.
- Violation tickets.
- Peace officer Interviews.
- Annual Report required by Section 12, *Peace Officer (Ministerial) Regulation*.
- Material or data considered by the Authorized Employer and peace officers in the deployment of automated traffic enforcement technology.
- Other material as required.

17.4 Investigations

The Director may initiate investigations under circumstances detailed in Sections 17 and/or 19 of the *Peace Officer Act*, public complaints and serious incidents.

Section 17 – The intent is to allow the Director to become involved where:

- a) An authorized employer is not investigating a written public complaint in a manner consistent with established procedures and/or 'best practices',
- b) An authorized employer is not investigating circumstances where peace officers may be acting outside the scope of the authorization and appointment in a manner consistent with established procedures and/or 'best practices' (Section 16: authorized employer investigation), or
- c) An authorized employer fails to investigate either of the above circumstances.

Section 19 – Requires the Director to investigate occurrences in which a peace officer may have become involved. This should facilitate enhanced accountability and assist in maintaining the public interest. Applicable situations include:

- a) Alleged use(s) of excessive force.
- b) Discharge of a firearm, except in relation to duties under the *Animal Protection Act*, *Dangerous Dogs Act*, *Stray Animal Act*, *Wildlife Act*, or during the course of training (range accidents excluded).
- c) Use of a baton, oleoresin capicum (OC) spray, or a conducted energy device in contravention of weapons policies approved by the Director under Section 2(2) of the *Peace Officer (Ministerial) Regulation*.
- d) Involvement in an incident involving a weapon used by another person.
- e) Involvement in an incident involving serious injury to or the death of any person.
- f) Involvement in any other circumstances referred to in the regulations.
- g) Any matter of a serious or sensitive nature that is related to the actions of a peace officer.

The Director may discharge his responsibilities under Section 19 by requesting a police service, other agency, or other person conduct the investigation.

17.5 Investigation Process

The Director has delegated the Public Security Peace Officer Program Manager, auditors and investigators employed by the Public Security Division to conduct investigations as required. Investigations will follow a protocol similar to that shown in the inspection sections above, with the exception of a thirty (30) day notification period.

It is recognized that investigations are usually serious in nature and, as it is in the interest of both parties to deal with the matter quickly, the Public Security Division shall make reasonable efforts to provide as much notice as possible prior to arriving.

Once the Director commences an investigation, written updates of the investigation to the complainant, peace officer(s) involved, and authorized employer will occur every forty-five (45) days. A disposition letter will be sent to the same upon conclusion of the investigation by the Director.

The form of an investigation conducted under Section 19 may include, but is not limited to:

- a) Review of any internal investigation that may have already been conducted,
- b) Interview(s) with peace officer(s) involved,
- c) Interview with witnesses or complainants,
- d) Review of any reports created relating to the incident, and
- e) Any other information deemed to be relevant to the investigation.

The Public Security Division is required to report any criminal matters to the police service of jurisdiction.

17.6 Director's Findings for Inspections or Investigations

At the conclusion of an inspection or investigation, the Director will work with the authorized employer to correct any detected issues unless there are opposing circumstances concerning the public interest, a legal matter or considerations pertaining to serious or sensitive issues.

Where concerns exist about the public interest, a legal matter, a serious or sensitive issue, or where an employer is unable to implement changes to the Director's satisfaction, the Director may:

- a) Add terms or conditions to an authorization or appointment,
- b) Suspend or cancel an authorization or appointment.

In other circumstances the Director can:

- a) Recommend that the authorized employer take disciplinary action.
- b) Require the authorized employer to implement or comply with policies, standards of conduct, practices, procedures, protocols or rules.

- c) Give an authorized employer direction about the administration, powers, duties or functions of a peace officer or in respect of the management and control of peace officers.
- d) Prohibit, limit or restrict a policy, standard, practice, procedure or protocol or make rules about it.
- e) Require the authorized employer to develop and implement policies, standards, practices, procedures, protocols or rules about specified activities, duties, powers and functions.

17.7 Outside Agency Investigations

Under Section 19(3), the Director may have an investigation conducted by a police service, or other person.

Under Section 24 of the *Peace Officer (Ministerial) Regulation*, the authorized employer will be responsible for up to 50 percent of the costs of this type of investigation with the remainder of costs paid by the Public Security Division. The amount to be paid by the authorized employer will be dependant on the circumstances of each investigation.

18.0 SOLICITOR GENERAL AND PUBLIC SECURITY STAFF COLLEGE

18.1 Overview

The Solicitor General and Public Security Staff College is responsible for establishing training standards, review and approval of training curriculums and audit of training courses when requested by the Director. The Staff College is also responsible for administering the basic peace officer training programs and other related training at or through its' facilities. The Staff College's training standards and guidelines policy manual outlines the specific standards, process and practices for these responsibilities.

All training courses are required to meet the standards established by the Staff College for the job duties identified under the Act. Training curriculums are subject to routine review every five (5) years or where required by the Staff College or the Director to ensure consistency of training throughout the province. Additional review may be required if changes are made to the curriculum between scheduled reviews.

The Staff College's training standards and guidelines policy manual is subject to revision. Training providers will be notified of changes to the standards for training curriculum within 30 days of a change.

18.2 Equivalent Training

Equivalent training may be approved by the Director upon review by the Staff College and if it meets the training standards established by the Staff College. This will ensure the consistency of content; instructor qualifications; and delivery in an appropriate manner.

All instructors must meet the standards for trainer accreditation outlined in the Staff College's training standards and guidelines policy manual.

If approved, equivalency training will be subject to review every five (5) years, when changes are made to the curriculum or as required by the Staff College or the Director.

When a training provider is approved to deliver equivalent training programs, they will be issued an approval letter by the Ministry.

Approval for equivalent training programs may be revoked by the Director if the training provider fails to maintain the standards for training outlined in Staff College's training standards and guidelines policy manual.

19.0 PEACE OFFICER PROGRAM PARAMETERS

19.1 Administrative Requirements

Record Keeping

The Public Security Peace Officer Program establishes minimum requirements in accordance with best practices and standard record keeping expectations. To ensure that these goals are met, authorized employers are required to keep, at a minimum, the following records as they relate to peace officer duties.

a) Peace officer employee files showing at a minimum:

- i. Training and certificates.
- ii. Copies of complaints, investigative results, and disposition. Any discipline resulting from complaints may be kept on the peace officer's file at the employer's discretion.
- iii. Date of cessation of employment and reason for such.
- iv. Oath of office.
- v. Peace officer appointment.

b) Operational data showing at a minimum:

- i. Investigations relating to authorities found on the authorization that includes at a minimum:
 - File number unique to each investigation;
 - Complainant's name, contact information, address;
 - Date of occurrence;
 - Suspect's name, contact information, address (if applicable);
 - Details of investigation;
 - Disposition of investigation and date concluded; and
 - Notification of complainant about disposition (if applicable).
- ii. An exhibit handling process showing records pertaining to storage and disposal, that includes at a minimum:

Exhibit seizure forms that include:

- Associated investigative file number;

- Name of owner(s) if known;
- Name of suspect or accused, if applicable;
- Bags or labels to identify individual exhibits; and
- An exhibit log for recording the seizure, movement and disposition of seized items.

Physical storage of exhibits:

- Agency size and nature of duties will dictate the type of exhibit storage required. A separate room with exhibit custodian may be appropriate for one agency while a secure cabinet accessible only by the investigator will be appropriate at another.
 - Exhibits that are documentary in nature will not be stored within an investigative report. Documents will be labelled and stored in an envelope or folder separate from the investigative report.
 - Supervisors may access exhibit storage facilities for the purpose of quality control but the access must be recorded on an exhibit log.
- iii. Record system capable of documenting calls and complaints that are made to the authorized employer.
 - iv. Record system capable of documenting all serious incidents involving the authorized employer and peace officers.
 - v. MOUs in effect with police agencies.
 - vi. Expired MOUs.

With the exception of public complaint records which must be kept for a minimum of five years, all of the above records must be kept for at least three years.

19.1.1 Supervisory Review - Requirement for Supervisory Review of Investigative Files

The *Peace Officer Act* contains the broad strategic directions under which the Public Security Peace Officer Program must operate. The key directions of professionalism, accountability, and standards are captured therein.

Section 10 of the Act stipulates that the Authorized Employer is liable for the actions and omissions of a peace officer while the peace officer is acting within the scope of his or her authority, responsibilities and duties.

To protect the public interest and ensure that the peace officer role produces effective and appropriate enforcement exercised in accordance with existing legislative and policy frameworks, Peace Officer Program policy requires that the Authorized Employer exercises adequate oversight of their peace officers. Periodic program inspections assess compliance with this requirement.

Employers must meet the following requirements in supervision:

- Where a peace officer(s) has a direct reporting relationship to another peace officer, all reports submitted by the junior peace officer(s) must be reviewed and signed to indicate approval.
- 30% of files generated by a supervising peace officer must be reviewed and signed off by the person's direct supervisor, or other delegated superior.

19.1.1(a)

An exemption may be granted from 19.1.1 with approval by the Director of Law Enforcement/Assistant Deputy Minister for matters relating to bylaw offences where no paperwork is generated (also known as paperless files). If a written warning, report, or violation ticket is generated then supervisory requirements under the program will still apply.

To take advantage of this allowance, an agency will have to demonstrate to the satisfaction of the Director of Law Enforcement/Assistant Deputy Minister the internal quality assurance process in place to assess 'paperless' files is sufficient in providing adequate and effective oversight for peace officers.

This new allowance is a mechanism to provide for effective oversight while still maintaining for the overall goal of control and quality.

19.2 Code of Conduct

To ensure program integrity, all participants are held to common standards as it relates to a code of conduct. Authorized employers are directly accountable for program operations within their agency and are responsible for developing a code of conduct in accordance with established human resource practices that must meet the minimum standards set out in Section 13 of the POMR. In developing a common standard that encompasses all aspects of the handling of officer misconduct the Public Security Division will ensure consistency in service delivery and strengthen the integrity of the program.

The code of conduct found in the POMR is designed to ensure minimum standards and is not exhaustive. The authorized employer is encouraged to add or further this code of conduct to meet community or agency needs.

The code of conduct applies to a person holding a peace officer appointment whether they are on duty or off.

Any code of conduct created must include provisions:

- i. requiring peace officers to comply with the terms and conditions of the employer's authorization;
- ii. requiring peace officers to comply with the terms of the peace officer's appointment;
- iii. requiring peace officers to comply with the employer's code of conduct for peace officers;
- iv. prohibiting peace officers from:
 - engaging in disorderly or inappropriate conduct, or
 - acting in a way that would be harmful to the discipline of peace officers or that is likely to discredit the office of peace officer;
- v. prohibiting peace officers from withholding or suppressing information, complaints or reports about any other peace officer;
- vi. requiring peace officers to promptly and diligently perform the peace officers' duties and responsibilities;
- vii. prohibiting peace officers from making or signing false, misleading or inaccurate statements;
- viii. prohibiting, without lawful excuse, peace officers from:
 - destroying, mutilating or concealing records or property, or
 - altering or erasing an entry in a record;
- ix. respecting when confidentiality must be maintained;
- x. requiring peace officers to properly account for or return money or property that the peace officer receives in the peace officer's capacity as a peace officer;
- xi. prohibiting activities that may or will result in a conflict of interest or an apprehension of or a lack of integrity in the office of peace officer;
- xii. prohibiting peace officers from using the peace officer's position for the peace officers' own advantage or another person's advantage;
- xiii. prohibiting peace officers from exercising the peace officer's authority as a peace officer when it is unnecessary to do so;
- xiv. prohibiting peace officers from consuming alcohol while on duty, except in the performance of the peace officer's duties;

- xv. prohibiting peace officers from consuming controlled drugs and controlled substances under the *Controlled Drugs and Substance Act* (Canada); and
- xvi. except in the performance of the peace officer's duties, prohibiting peace officers from possessing controlled drugs and controlled substances, the possession of which is prohibited by law.

19.2.1 Considerations

Some sections of the Code of Conduct found in Section 13 of the *Peace Officer (Ministerial) Regulation* require further explanation to assist Authorized Employers in understanding if a breach has occurred. The following **considerations** apply to the noted sections and should not be viewed as limiting.

Many circumstances will arise that could subjectively, taking into account unique situational factors, be code of conduct breaches but otherwise not fit within the parameters defined in this section. If questions arise regarding a specific incident please contact the Peace Officer Program Manager.

NOTE: This is designed to be explanatory only and some overlap with other section of the Act and Regulations exists.

- a) Section 13(2)(d) - Disorderly or inappropriate conduct, or acting in a way harmful to the discipline of peace officers or that is likely to discredit the office of peace officer could be described, in part, as follows:
 - Contravening:
 - an Act of the Parliament of Canada,
 - an Act of the Legislature of Alberta, or
 - any regulation made under an Act of either the Parliament of Canada or the Legislature of Alberta, where the contravention is of such a character it would be prejudicial to discipline or likely to bring discredit on the reputation of the employer;
 - using oppressive or tyrannical conduct towards a subordinate;
 - using profane, abusive or insulting language to a co-worker or to any member of the general public;
 - wilfully or negligently making a false complaint or statement;
 - abetting in or knowingly being an accessory to suppressing information, complaints or reports about any other peace officer;

- differentially applying the law or exercising authority on the basis of race, colour, religion, sex, physical disability, mental disability, marital status, age, ancestry or place of origin;
 - doing anything prejudicial to discipline or likely to bring discredit on the reputation of the Authorized Employer;
 - when on duty, other than when on a firearm training exercise, discharging a firearm by accident, and not reporting the discharge of the firearm as soon as practicable to a supervisor;
 - failing to exercise sound judgment and restraint in respect of the use and care of a firearm;
 - being insubordinate to a supervisor by word or action;
 - omitting or neglecting, without adequate reason, to carry out a lawful order, directive, rule or policy of the employer;
 - neglecting, without a lawful excuse, to promptly and diligently perform duties as a peace officer;
 - failing to work in accordance with orders or leaving an area, detail or other place of duty without due permission or sufficient cause;
 - permitting a prisoner to escape on account of the peace officer being careless or negligent;
 - failing to report a matter that is the peace officer's duty to report;
 - failing to report anything a peace officer knows concerning a criminal or other charge;
 - applying inappropriate force in circumstances in which force is used.
- b) Section 13(2)(k) – conflict of interest or apprehension of lack of integrity could be described as:

A situation in which a peace officer, who is in a position of trust, has a competing professional or personal interest. Such competing interests can make it difficult to fulfill his or her duties impartially. A conflict of interest exists even if no unethical or improper act results. A conflict of interest can create an appearance of impropriety that can undermine confidence in the peace officer, the peace officer activity, and the office of peace officer. A conflict of interest could impair an individual's ability to perform his or her duties and responsibilities objectively.

19.3 Memorandum of Understanding

An integrated approach to law enforcement is necessary within geographical boundaries dependant on the level of service being delivered. In order to facilitate cooperation and integration, a memorandum of understanding (MOU) between the authorized employer and police service (detachment) of jurisdiction is required. This will ensure that the necessary information/interaction links are established that will see overall service to Albertans being improved by combined efforts in the law enforcement community.

The intent of the MOU is to assist in clearly defining the role of peace officers and coordinating peace officer services with police services. The MOU is an eligibility requirement under the *Peace Officer Act* and regulations to apply for an employer's authorization. Specifically, entering into an MOU is a condition of an employer obtaining and maintaining their authorization.

The POMR details, in general terms, the minimum strategies that must form part of any MOU that will be approved by the minister. Those strategies are found in Section 17 of the POMR and are listed as follows:

- i. The term of the memorandum of understanding must be for five years unless:
 - the parties agree on another period of time, or
 - the memorandum of understanding is terminated in accordance with its terms.
- ii. A provision for termination of the agreement during its term by either party giving written notice to the other party and to the minister.
- iii. Communication generally between representatives of the authorized employer, peace officers and the police service and specific communication protocols including:
 - identification of liaison and contact persons and the manner and time at which they will communicate and meet;
 - information exchange between peace officers and the police service;
 - radio communication between peace officers and the police service.
- iv. The training of peace officers by the police service or the training of the police service by peace officers, if any is agreed to be provided.
- v. The respective roles and responsibilities and the cooperation and coordination of services of peace officers and the police service.

Attached in Appendixes U and V are two templates for use that have been reviewed by police services in Alberta, as well as stakeholders. One MOU is provided for provincial agencies and the other for municipal stakeholders.

Authorized employers should be aware that other templates have not been reviewed or considered by the police agencies. Should an authorized employer wish to craft a document meeting the requirements of the Act that deviates substantially from the document found in Appendixes U and V, they will be responsible for engaging with their police service of jurisdiction to bring that process to conclusion. The Minister must approve any MOUs as per the Regulations, whether they follow the suggested template or are created otherwise.

Amendments to MOUs may be made at any time with the approval of the agencies involved and the Minister. Submissions of amendments must be made in writing to the Public Security Division.

If a situation occurs in which the Minister believes that either party has violated an MOU the Minister may terminate the MOU by giving written notice to the parties involved. The Minister and the Public Security Division will then engage with both parties to resolve outstanding issues.

(a) Exemptions from Memorandum of Understanding Requirement

The Minister may exempt any authorized employer from entering into an MOU. The Minister has exempted the following categories of peace officers:

- i. Out of province police/peace officer authorized under Section 3 of the POMR.
- ii. Level 2 community peace officers.

The Minister may consider further exemptions based on a well researched business plan showing that an MOU would be unable to further enhance the services of the authorized employer to the clients/community it serves or if the ability of the authorized employer to enter into an MOU poses an insurmountable challenge.

(b) Major/Serious Incidents that must be Reported to the Police Service under the Terms of an MOU

Section 4(B)(1)(b) of the draft MOU found in Appendixes U and V indicates that the authorized employer must provide information on major/serious incidents to the police service of jurisdiction as defined in program policy. Please find the following list of situations that meet this definition, but is not restrictive, should an authorized employer deem any other situation as major or serious:

- i. Use of a firearm in circumstances in which it was discharged at a person.
- ii. Any incident in which a peace officer was involved that included serious injury or the death of any person. This does not include circumstances where the peace officer provided traffic control for the police at a fatal or serious motor vehicle collision.
- iii. Any incident in which a peace officer encountered a situation where a weapon was used, or threatened to be used, in a criminal manner.

- iv. Any situation in which it can reasonably be determined that the authorized employer or its employees obtained information relating to a criminal occurrence that may be of interest to the police service of jurisdiction.

19.4 Visual Identity

Section 7 and 12 of the Act, Section 18 of the POMR, and Section 4 of the POR provides for the standardization of uniforms and vehicles used by those within the peace officer program. It is anticipated that public awareness will develop regarding what authorities and job roles are held by those utilizing common uniforms and vehicles.

(a) Exemptions from Visual Identity Requirements

NOTE: This exemption section is with respect to only the *Peace Officer Act*, Regulations and program policy. It cannot be interpreted to exempt from other applicable legislation. Specifically, the *Traffic Safety Act* and associated regulations do not allow bylaw officers or peace officers without traffic authority to drive an emergency response vehicle.

The following classes of person are exempted from uniform/vehicle requirements by the Minister:

- i. Auxiliary police programs operated by a police service.
- ii. Out of province police/peace officers appointed under Section 3 of the POMR.
- iii. Level 2 community peace officers (**NOTE:** this category may utilize the Level 1 uniform/vehicle requirements if the authorized employer so desires; except for driving vehicles with red/blue lights – see section 6.5).
- iv. A peace officer who works in plainclothes while conducting enforcement and is exempted by the Director.
- v. A peace officer whose job duties do not include an enforcement role and is exempted by the Director.
- vi. Peace officers operating automated traffic enforcement technology.
- vii. Vehicles driven by a peace officer, but not used for traffic enforcement purposes.
- viii. Vehicles used in automated traffic enforcement.
- ix. Conservation officers.
- x. Fish and wildlife officers.
- xi. Military police.

(b) Uniforms

i. Alberta Peace Officer Uniform

Shirt: Dark blue/black in colour.

Pants: Dark blue/black in colour. Stripe must be blue in colour.

Hat and Tie: If worn, colour must correspond to pants or shirt.

Patrol Jacket: Dark blue/black in colour.

Safety Vest: Must be lime green in color and may display the words 'Commercial Vehicle Enforcement', 'Sheriff', or other title approved by the Director across the back. The vest may also bear no wording, provided the uniform worn underneath is sufficiently marked to identify the wearer to the public as a peace officer (i.e. visible shoulder flashes).

*Jackets and shirt must bear the approved shoulder flash design as shown in Appendix W.

ii. Community Peace Officer Level 1 Uniform

Shirt: Dark grey in colour.

Pants: Dark blue/black in colour. Stripe must be grey in colour.

Hat and Tie: If worn, colour must correspond to pants or shirt.

Patrol Jacket: Dark blue/black in colour.

Safety Vest: Must be lime green in color and may bear the words "Peace Officer" or other title approved by the Director across the back. The vest may also bear no wording, provided the uniform worn underneath is sufficiently marked to identify the wearer to the public as a peace officer (i.e. visible shoulder flashes).

*Jackets and shirt must bear the approved shoulder flash design as shown in Appendix W.

iii. Management Peace Officer Uniform

Shirt: Dark blue/black or white in colour.

Pants: Dark blue/black in colour. Stripe, if worn, must be blue in color for Alberta Peace Officers, grey for Community Peace Officers.

Hat: If worn, must be of the same category as the management peace officer (Alberta or Community).

Patrol Jacket: Dark blue/black in colour.

Safety Vest: Must be lime green in color and may display the words 'Commercial Vehicle Enforcement', 'Sheriff', or other title approved by the Director across the back. The vest may also bear no wording provided the uniform worn underneath is sufficiently marked to identify the wearer to the public as a peace officer (i.e. visible shoulder flashes).

*Permission to use this uniform category may be granted by the Director of Law Enforcement through a written submission by the Authorized Employer. Permission will only be considered for those peace officers holding the rank of Inspector, Superintendent, Deputy Chief or Chief.

Coveralls

Any form of coveralls may be worn to facilitate vehicle inspection or other work. It is recommended coveralls bear the approved shoulder flash for the agency and suitable safety markings.

Bicycle Uniforms

Shorts with stripe allowed similar to regular pant. Regular uniform shirt or shirts of a color and design to enhance visibility, safety and comfort for the weather (if not using required peace officer color, prior approval must be obtained). Flashes and peace officer markings on the shirt or outer wear worn in conjunction with the shirt that clearly identifies the wearer as a peace officer is required.

Body Armour

Internal or external body armour is permitted for use in the program at the discretion of the authorized employer. If an external carrier is worn it must be blue/black or grey in color to match the jacket, shirt and pants.

(c) Vehicles

- i. Vehicles used by peace officers must be white in colour (automated traffic enforcement vehicles, bicycles, snowmobiles and ATVs are exempt).
- ii. Alberta peace officer vehicle markings are shown in Appendix W. (**NOTE:** striping location and placement must match the design layout as much as possible and as permitted by the physical design of the vehicle used)
- iii. Community peace officer vehicle markings are shown in Appendix W. (**NOTE:** striping location and placement must match the design layout as much as possible and as permitted by the physical design of the vehicle used)

The following guidelines are in place for decaling, where permitted by the physical layout of a vehicle design:

- Total stripe package to be no more than 10 inches.
- No stripe to be less than 25% of the width of the widest stripe.

- No stripe to be less than 0.5 inches wide.
 - Stripes will not have curves or bends but the stripe may have a break to accommodate door handles, fenders or other features that interfere with a continuous stripe.
 - No wording will be placed on or within the stripe.
- iv. Peace officer vehicles that are used for traffic enforcement duties (automated traffic enforcement vehicles, bicycles, snowmobiles and ATVs are exempt) must be marked as shown and include the use of a roof mounted light bar, unless employed by a provincial ministry and exempted by the Director.*
 - v. Roof markings are permitted should a local need exist.
 - vi. Unit numbers are permitted on vehicles should a local need exist.
 - vii. A 'Call 911 in case of emergency' marking may be added if desired.
 - viii. An agency phone number may be placed on the vehicle in a location determined by the employer. The lettering should be the same blue color used in the striping.
 - ix. An agency name or website address may appear on the back bumper of a vehicle. The lettering should be the same blue color used in the striping.
 - x. In order to ensure a commonality of visual identity no other markings are permitted on the vehicles, unless approved by the Director.
 - xi. At the option of the employer, community names may appear on the side of enforcement vehicles as follows:
 - They must be below the existing door decal, in the same blue color as used for the striping.
 - The community name can be on one or both door panels (where applicable).
 - The lettering can also extend to the panel in front of or behind the doors as necessary.
 - xii. At the option of the employer, any pattern of safety decaling on the back of an enforcement vehicle may be added. Authorized Employers should, where possible, keep the colors consistent with the approved decaling colors.

NOTE: Vehicles used for traffic enforcement (automated traffic enforcement vehicles are exempt) must immediately meet the standards as set out above [items (iii) and (iv)].

(d) Vehicle Door Logos

- i. The “Any Community” and “Any Role Name” design layout shown in Appendix W is suggested for use should an agency so choose. (**NOTE:** the diagram is not to scale and the words “peace officer” should be clearly identifiable to the public)
- ii. Locally designed logos may be inserted above “Peace Officer” and, at a minimum, must clearly identify the community name and department name. However, the “Peace Officer” markings on the side door and back are mandatory.
- iii. The “Peace Officer” logo on all sides must be a minimum of 4 inches in height (bigger if desired by the employer).

(e) Shoulder Flashes

- i. Alberta Peace Officer
 - The background colour and edging colour shown in Appendix W is mandatory.
 - The “Government of Alberta” and “ministry name” design layout is suggested for use if so desired.
 - The “Commercial Vehicle Enforcement” role name shown in the diagram is an example only. On approval by the Director, any role name can be inserted here such as “Sheriff,” “Transport Officer,” “Liquor Inspector,” “Alberta Peace Officer,” or “Peace Officer.”
 - Locally designed logos may be inserted above the role name.
- ii. Community Peace Officer
 - The background colour; edging colour; placement and colour of “Peace Officer” shown in Appendix W are mandatory.
 - The “Any Community” “and “Any Role Name” design layout is suggested for use if so desired.
 - Locally designed logos may be inserted above “Peace Officer” and at a minimum must clearly identify the community name and department name.

19.5 Badges

Wallet and hat badges are permitted for those authorized employers who choose to purchase them. All program participants should be aware that a badge is not a legal document and is not sufficient for legally identifying a peace officer to the public as having the duties and authorities as shown on their peace officer appointment. The peace officer identification card issued through the Act is the only legal identification

document for those within this program, unless authority is held through legislation outside of this program.

Badges, if used, shall not be of a design, shape or colour that is similar to that of any police agency in Alberta. The Public Security Division will not be responsible for reviewing or approving badges developed by authorized employers. Should a badge be developed that could confuse a reasonable person that a peace officer badge is an Alberta police agency badge then the authorized employer shall be directed to change them at their cost.

19.6 Ranks

If an authorized employer so chooses, a ranking system may be established for use of peace officers. A ranking system is not a program requirement, simply an option available to an authorized employer.

The following conditions must be met before an agency is entitled to utilize a ranking system:

1. Must be engaged in performing uniformed enforcement duties;
2. Have sworn peace officers performing supervisory/management duties*;
3. Be an Alberta Peace Officer Agency or Level 1 Community Peace Officer Agency; and
4. Have policy in place reflecting that only those holding a peace officer appointment may utilize the ranks detailed in this section.

**Agencies in which supervision and management is performed by those not holding a peace officer designation may not use a ranking system (i.e. peace officers reporting directly to a Director or Town Manager).*

Alberta Peace Officers

An Alberta peace officer agency may have all or any of the following ranks, but no others if the agency has 51 or more peace officers:

- Chief (approved title, i.e., chief sheriff, chief transport officer, chief conservation officer, etc.) - is the head enforcement officer in a peace officer agency
- Deputy chief (approved title)
- Superintendent
- Inspector
- Sergeant

An Alberta peace officer agency may have all or any of the following ranks, but no others if the agency has between 2 and 50 peace officers:

- Superintendent (head enforcement officer in a peace officer agency)
- Sergeant

An Alberta peace officer agency with a sole peace officer may not use any rank.

In all cases, care shall be used when interacting with a member of the public to avoid giving the impression that the peace officer is a police officer. All peace officers should, when interacting with the public, clearly identify themselves as a peace officer as well as their rank. For example "My name is Peace Officer Sergeant Smith" or "My name is Sheriff Sergeant Smith" or "My name is Peace Officer Smith and I am a Sergeant with Commercial Vehicle Enforcement."

Community Peace Officers Level 1

A community peace officer agency Level 1 may have all or any of the following ranks but no others if the agency has 20 or more peace officers:

- Superintendent (head enforcement officer in a peace officer agency)
- Inspector
- Sergeant

A community peace officer agency Level 1 may have all or any of the following ranks, but no others if the agency has between 11 and 19 peace officers:

- Superintendent (head enforcement officer in a peace officer agency)
- Sergeant

A community peace officer agency Level 1 may have the following rank, but no others if the agency has between two and 10 peace officers:

- Sergeant

A community peace officer agency with a sole peace officer may not use any rank.

In all cases care shall be used when interacting with a member of the public to avoid giving the impression that the peace officer is a police officer. All peace officers should, when interacting with the public, clearly identify themselves as a peace officer as well as their rank. For example "My name is Peace Officer Sergeant Smith" or "My name is Transit Officer Sergeant Smith" or "My name is Peace Officer Smith, I am a Sergeant with the Town of ABC."

Insignia for ranks

All displays of rank are to appear on the epaulets of a duty shirt or epaulets of an outer jacket as follows:

- Chief - one crown above three maple leafs
- Deputy Chief - one crown above two maple leafs
- Superintendent - one crown above one maple leaf
- Inspector - one crown
- Sergeant - three chevrons

An Alberta flag emblem may appear at the bottom of any chevron.

The insignia found within this section may be used by any agency that chooses not to use paramilitary ranks but desires to utilize civilian supervisory titles such as Supervisor, Manager, Director, etc. In these cases, they must formally notify the Director of Law Enforcement and the insignia used must, as much as possible, mirror the structure set forth in relation to agency size and ranks/insignia allowed (i.e., an agency with 10 peace officers that uses civilian ranks may not have Chief or Deputy Chief insignia).

19.7 Titles

Section 7(2)(e) of the POA permits the Minister to approve titles used by those participating in the program. All peace officer appointments will detail what title the peace officer shall use when interacting with the public.

It is extremely important that peace officers be very clear when identifying themselves to the public so as not to cause confusion as to their status.

The current list of titles used by program participants are:

- a) Peace Officer
- b) Community Peace Officer
- c) Sheriff
- d) Transport Officer
- e) Conservation Officer
- f) Fish and Wildlife Officer
- g) Transit Officer

Requests for title approvals shall be made on the authorization to employ peace officers application form and are subject to Public Security Division's approval.

19.8 Weapons

Through Section 12(2) of the POA, Sections 3, 4 and 8 of the POR and Section 2(2) of the POMR, there are provisions for peace officers in this program to utilize a variety of weapons, should a demonstrated need exist.

For the purposes of this manual, weapon refers to prohibited firearm, restricted firearm, or prohibited weapon as defined under the Criminal Code of Canada.

a) Exemptions

Fish and wildlife officers and conservation officers receive their authority to carry weapons through their own legislation and are not bound by Section 3 and 4 of the *Peace Officer Regulation* pertaining to restrictions on weapons and the granting of weapon authority by the Director. Authorized employer designations and peace officer appointments for this group shall remain silent on the issue of weapons.

b) Authorized employer requirements for weapons:

- i. A rationale explaining why the responsibility of the peace officer requires the use of a weapon(s).
- ii. Liability coverage for the proposed weapons.
- iii. A letter from the chief administrative officer, deputy minister, chief of police, or equivalent showing that the authorized employer accepts responsibility and liability for any weapons applied for.
- iv. Have written policy describing the use, storage, and maintenance of weapons.
- v. Have written policy relating to training, recertification and only those peace officers who have been trained in accordance with standards set by the Director shall be permitted to carry weapons.
- vi. Have written policy describing when it is appropriate to use weapons.
- vii. Have written policy requiring reporting to the Public Security Division each incident where a peace officer on duty uses a firearm or shotgun outside of duties in accordance with regulations and policy. This policy must include provisions requiring that in the event of a serious or sensitive situation the authorized employer must report to the Director as soon as the employer becomes aware of it as per Section 19 of the Act, and no later than 24 hours in other circumstances as required by Section 5 of the POR.

- viii. Have written policy requiring reporting to the Public Security Division, within two business days, each incident where a peace officer on duty uses OC spray, baton, conducted energy weapon, or tear gas on the approved form found in Appendix K.
- ix. If an authorized employer employs over 30 peace officers and if an agency routinely uses baton, OC spray, tear gas, or a conducted energy weapon three or more times per week, alternative reporting procedures can be developed, subject to the approval of the Director.

The Director must review the above documents and ensure that they are satisfactory prior to authorizations or appointments being issued permitting the carrying or use of weapon(s). Compliance with weapons policy approved by the Director by both the authorized employer and peace officers are a mandatory component of participation in the program and a term/condition to this effect shall appear on each authorization and appointment issued under this program.

- c) After receiving permission to carry weapons from the Director, each authorized employer is further responsible to:
 - i. Ensure that weapons policies and procedures are updated regularly to keep current with 'best practices', and
 - ii. Provide to the Director copies of new weapons policies and procedures developed by the authorized employer as soon as practicable. This will ensure that the Director is able to review the new documents and assess for compliance with legislation and policy.
- d) Weapons carried by peace officers:

A peace officer may only possess a weapon(s) if it appears on the peace officer's appointment and after an approved training course has been successfully completed. Recertification will be required in accordance with program policy.

Additionally, weapons used or carried by the peace officer must be approved and issued by the authorized employer.

- e) Types of weapons permitted by category:
 - i. Alberta peace officers or out of province police/peace officers may apply to carry:
 - Service firearms,
 - OC spray as defined in Section 4(1)(a) of the POR,
 - A baton,
 - A conducted energy weapon as defined in the POR (a common brand name currently in use is Taser), or
 - Tear gas.

- f) i. Community peace officers Level 1 may apply to carry:
 - A shotgun for the purposes of duties found within the *Animal Protection Act*, *Dangerous Dogs Act*, *Stray Animal Act*, and *Wildlife Act*,
 - OC spray as defined in Section 4(1)(a) of the POR as long as the strength does not exceed 1.33% Major Capsaicinoids:
 - Must not be a solvent based animal spray,
 - Agencies using OC spray must develop and comply with internal policies for decontamination procedures after the use of OC spray. Decontamination procedures must comply with manufacturer's recommendations for the brand of OC spray being used.
 - A baton.
- ii. Community peace officers Level 2 may apply to carry:
 - A baton.
- g) Other firearm requirements:
 - i. A peace officer must immediately report the loss or theft of a weapon to a police service and the authorized employer.
 - ii. A peace officer can only use ammunition for firearms that has been sanctioned by the authorized employer.
 - iii. No person may tamper with, or modify ammunition that has been issued to, or is available for use, by a peace officer.
 - iv. A peace officer must not carry or use ammunition that has been modified or tampered with.
- h) Re-qualification on weapons:
 - i. Firearms or shotgun – must be re-qualified annually.
 - ii. Other weapons – must be re-qualified at a minimum every 36 months.
 - iii. The authorized employer is responsible for updating qualifications and providing certificates or other proof of qualification to the Public Security Division as required.
 - iv. Computer records systems operated by the Public Security Division will automatically generate an expiry date for training. If qualification records have not been submitted by the authorized employer, the peace officer(s) appointment will be revised to remove the weapon(s) for which they have not qualified in accordance with policy. A new appointment will be mailed to the authorized employer reflecting loss of the ability to carry the weapon.

i) Shotgun Storage Requirements for Community Peace Officers:

Shotguns are provided to community peace officers only for duties related to the *Animal Protection Act*, the *Dangerous Dogs Act*, or the *Stray Animals Act*. Any other use may result in criminal charges and/or constitute a contravention of the community peace officer's appointment.

- i. The shotgun must be contained in a secure locking device specifically manufactured to secure a firearm in a vehicle.
- ii. The secure locking device must be mounted in the trunk of a vehicle operated by a community peace officer. If the vehicle does not have a trunk, then it must be mounted as follows:
 - ½ ton or similar truck: to the frame behind the front seat, or rear passenger seat in a club cab.
 - Suburban or similar truck: to the floorboards by the rear compartment of the vehicle or ceiling mounted by the rear compartment of the vehicle.
- iii. Shotguns may be left in vehicles overnight, if required, while transiting to and from shotgun training/recertification courses provided they are secured in accordance with the *Firearms Act*.

In no case shall the weapon be mounted within easy reach of the operator of the motor vehicle while the vehicle is in motion.

Some vehicle types are manufactured in a way that does not allow for mounting in the prescribed manner (i.e., some model years of the Dodge Durango). In those cases where a shotgun mount may not be placed in accordance with policy, the authorized employer must provide a rationale and obtain a letter of permission from the Director for a policy exemption.

Suggested weapon use and storage templates are found in Appendixes R, S, and T.

- j) CO₂ rifles may be used if the specific exemptions contained within the Criminal Code of Canada pertaining to device purpose and muzzle velocity are established. If these conditions are met then there is no prohibition under the *Peace Officer Act* or program policy from utilizing such a tool for animal control.

It does not need to appear on the peace officer appointment as any person may use such a device if it is not prohibited.

19.9 Peace Officers – Permitted Equipment

Section 7 of the POA requires the Minister to list equipment a peace officer is permitted to use on the peace officer appointment. All appointments that have an enforcement component will contain some or all the following clauses that allow use of:

- a) Emergency response vehicles as defined in Section 2(a) of Alberta Regulation 322/2002.
- b) Handcuffs.
- c) Personal protective equipment including a bullet resistant vest, a stab resistant vest or protective gloves, but not including SAP gloves or similar gloves.
- d) Particular equipment necessary to carry out the enforcement duties and responsibilities of the peace officer.
- e) Tools and items necessary for the performance of the peace officer's duties and responsibilities.
- f) A device designed to be used for the purpose of injuring, immobilizing, repelling or otherwise incapacitating an animal by the discharge of a spray. (This captures dog or bear spray that is not defined as a weapon under this regulation)

A peace officer may only carry or use equipment listed on their appointment.

The intent of clauses (c), (d) and (e) is to authorize any equipment that is required by a peace officer to perform their job duties. It will allow the Minister the ability, where necessary, to limit or restrict certain items of equipment that are in existence now or may be developed as a new product in the future (i.e., SAP gloves). Clauses (c), (d) and (e) were designed to be interpreted as broadly as possible and are not intended to limit access to tools or equipment necessary to perform a peace officer's duties.

A non-exhaustive list of equipment designed to fall under the provisions of clauses (c), (d) and (e) is listed below:

- i. Radar and laser speed measuring devices,
- ii. Weight and measures equipment,
- iii. General safety equipment such as traffic cones, flares, first aid kits, etc.,
- iv. Flashlights,
- v. Any vehicle types not designated as 'Emergency Response Units',
- vi. Equipment designed to capture or record events, and
- vii. Multi-tools.

20.0 PROVINCIAL STATE OF EMERGENCY

The Act, through Section 13, provides for the Minister to be able to expand the authority and jurisdiction of any/all peace officers in this program to meet the needs of a situation deemed by the Minister to be an 'emergency'.

Examples of situations that the Minister may consider an 'emergency' are listed as follows:

- a) Regional disasters in which a large number of peace officers are required,
- b) Flu pandemic, or other incident, in which large segments of Alberta's law enforcement personnel have been rendered unfit for duty,
- c) Extreme weather events in which local law enforcement requires assistance, and
- d) Any other incident considered by the Minister an 'emergency' and requires the services of peace officers in this program.

Only those authorized employers who consent to having their peace officers directed in this fashion are impacted by an order made under Section 13 of the Act.

Only those peace officers who personally consent and whose authorized employer has consented to acting under a Section 13 order may exercise the additional authorities provided and operate in the expanded jurisdictional boundaries.

All orders issued by the Minister under this section expire 90 days after the order is issued unless otherwise specified.

If the emergency is resolved or otherwise is determined by the Minister not to be an emergency then orders made under this section cease to be in effect or force.

The format for an emergency order being issued will be as follows:

- i. The Minister shall review a situation and determine if it is considered an emergency;
- ii. The Minister shall determine how peace officers may provide support to the police and emergency services providing primary functions at the situation and use this information to establish expanded authorities and jurisdiction;
- iii. The Minister will issue a Ministerial Order pursuant to Section 13 of the *Peace Officer Act*, example in appendix I (under development), detailing which categories of peace officers are effected. It will also list any expanded authorities and jurisdictions permitted;
- iv. Prior to undertaking activities permitted by the order each authorized employer who consents to operate under the terms of the order will be required to submit a letter to that effect and list peace officers who have consented. This letter can be faxed to (780) 427-4670. Peace officers will not be covered under the terms of the order until this requirement has been fulfilled;

- v. Those employers or peace officers who do not consent to acting under the provisions of an emergency order do not have to take any action;
- vi. If an authorized employer chooses to decline consent under this section then all of its peace officers are bound by this decision;
- vii. Communication on orders made via this section shall be done via peace officer program bulletins or otherwise communicated directly to impacted agencies; and
- viii. In the event serious infrastructure issues exist that impede any of the above requirements from being completed, the Public Security Division may suspend or modify existing policy requirements in any manner required to allow for a Section 13 order to be lawfully exercised.

21.0 COMPLAINTS AGAINST PEACE OFFICERS

21.1 Preamble

A major component of the peace officer program is accountability and responsibility. The professional handling of complaints in regards to actions taken by peace officers has a direct impact on these values. Through Part 2 of the Act and Part 5 of the POMR the program directs authorized employers to adhere to minimum requirements for handling these occurrences.

A complaint is captured under the auspices of the Act and Regulations if it is made in writing to the authorized employer. If a complainant is unable to provide a written document due to a valid reason such as language barrier, then the authorized employer shall take what steps as are necessary to have the complaint recorded in writing.

How authorized employers handle verbal or other non-written concerns is not a mandated component of the program. However, authorized employers are encouraged to record all concerns, written or otherwise, as a matter of effective management and due diligence in order to track patterns with individuals or practices that may indicate that a problem exists.

Regardless whether an employer receives a complaint directly, if the employer learns of a complaint or serious or sensitive incident that may lead to a complaint, the employer is required to deal with the matter in accordance with Section 16 and/or 19 of the Act.

Criminal Matters

Authorized employers are responsible for reviewing complaints to determine if there are allegations of criminal misconduct. Any allegations of criminal misconduct must be turned over to the police service of jurisdiction for investigation and the complainant notified forthwith. **In the event the complainant has not or will not provide sufficient evidence suggestive that a criminal act took place then the Authorized Employer can, in writing, advise the complainant to contact the police directly with their concerns.** A code of conduct investigation may still be required to assess if improper conduct occurred.

If the police service makes a determination that a criminal event has not occurred, then the standard complaint process must be followed. The authorized employer may conduct a concurrent internal investigation, provided they interact/cooperate with the police service and take such steps necessary to avoid contaminating the criminal investigation.

If during the course of an investigation that was not initially identified as potentially criminal, and criminal misconduct is uncovered, the authorized employer is required to report the matter to the police service of jurisdiction. The authorized employer may continue to conduct a concurrent internal investigation provided they interact/cooperate with the police service and take such steps that are necessary to avoid contaminating the criminal investigation.

Complaints that contain allegations of excessive force against a peace officer are considered to be criminal allegations. All complaints of excessive force must be reported to the police service of jurisdiction for investigation.

Please see Appendix Z for processes that may be used by a police agency in investigating criminal allegations made against peace officers.

Anonymous Complaints

Anonymous complaints are occasionally submitted in writing to an authorized employer. Anonymous complaints do not allow for the authorized employer to discharge required legal responsibilities under Act and Regulation relating to complainant notification, therefore they are not considered a complaint under Section 14 of the Act.

However, if the nature of any complaint (anonymous, written or verbal) is serious, the authorized employer shall review the matter. In the event some element of substance to the allegation is uncovered, reporting and investigation requirements are triggered by Section 16 of the Act.

21.2 Complaints Process

- a) A written complaint is received by the authorized employer.
- b) The authorized employer must, within 30 days and in writing, acknowledge receipt of the complaint to the complainant.
- c) Notify the peace officer involved of the complaint if appropriate (see Section 21.6 below for details).
- d) The authorized employer must advise Public Security Division of public complaints in accordance with Incident Report Form J3535.
- e) Investigate the allegations of the complaint by interviewing the complainant, any witnesses, the peace officer(s) involved if they so consent, and any other person who may have knowledge relevant to the occurrence.
- f) Review any relevant documents in existence pertaining to the occurrence including, but not limited to:
 - i. Occurrence reports
 - ii. Dispatch logs
 - iii. Peace officer notebook(s)
 - iv. Court reports
 - v. Legal documents

vi. In car video recordings

- g) Notify the complainant, the peace officer involved if appropriate, and Director as to the status of the investigation at least once every 45 days.
- h) Upon conclusion of the investigation the authorized employer must notify the complainant, the peace officer involved, and the Director of the disposition of the complaint using wording found in Section 22 of the POMR, which reads as follows:
- ‘the complaint is unfounded.’ This means that on the basis of a thorough investigation no reasonable belief exists that the complaint has merit or basis.
 - ‘the complaint is unsubstantiated.’ This means that on the basis of a thorough investigation there is insufficient evidence to determine the facts of the complaint and that it may or may not have occurred.
 - ‘the complaint is found to have merit in whole or in part.’ This means that on the basis of a thorough investigation that
 - ‘in whole’ a reasonable belief exists that the peace officer has engaged in misconduct in regards to the entirety of the complaint; or
 - ‘in part’ a reasonable belief exists that the peace officer has engaged in misconduct in regards to a portion(s) of the complaint, but not in its entirety.
 - ‘the complaint is frivolous, vexatious or made in bad faith.’ This disposition will be used when an authorized employer chooses not to investigate a complaint as per Section 15(2) of the Act which allows no investigation to occur when the complaint is deemed to be frivolous, vexatious, or made in bad faith.
- i) In the event a complaint is found to have merit in whole or in part the authorized employer must state what disciplinary action has been taken and it must be in accordance with the agency’s disciplinary policy filed with the Director.

NOTE₁: The specifics of what disciplinary action is taken (verbal reprimand, three-day suspension, dismissal, etc.) may be articulated, if permitted by a Collective Agreement or Human Relations policy. If the details are released it is permitted under 40(1)(f) of the *FOIP Act*.

NOTE₂: The specifics of what disciplinary action is taken must be reported to the Director of Law Enforcement to ensure the disciplinary policy submitted as a requirement of legislation is being adhered to.

If specific information is not provided to the complainant, employers must indicate disciplinary action was taken in accordance with discipline policies supplied to the Solicitor General and Ministry of Public Security.

- j) The conclusion letter issued to the complaint must contain the following closing paragraph which communicates to the complainant that appeals of the decision reached by the authorized employer must be addressed to the Director as required in Section 15 of the Act.

PLEASE BE ADVISED YOU HAVE THE RIGHT TO APPEAL THESE FINDINGS TO THE DIRECTOR OF LAW ENFORCEMENT FOR THE PROVINCE OF ALBERTA PURSUANT TO SECTION 15(4) OF THE PEACE OFFICER ACT. AN APPEAL MUST BE IN WRITING AND INITIATED WITHIN 30 DAYS OF RECEIPT OF THIS DECISION, AND ANY DECISION REACHED BY THE DIRECTOR OF LAW ENFORCEMENT ON APPEAL IS FINAL.

Correspondence to the Director must be sent to:

Director of Law Enforcement
10th Floor, 10365 - 97 Street
Edmonton AB T5J 3W7

An example of a disposition letter is found in Appendix Q.

21.3 Complaints Not Requiring Investigation by the Authorized Employer (Section 15(2) of the Act)

It is recognized that some complaints will be made under circumstances in which an investigation is not required. The legislation has included four circumstances under which an employer may choose not to investigate a complaint if the authorized employer is of the opinion that the complaint falls into one of noted categories:

- a) Frivolous. A complaint intended merely to harass or embarrass.
- b) Vexatious. Complaint that has no basis in fact or reason, with its purpose to bother, annoy and embarrass the peace officer or authorized employer.
- c) Bad Faith. Filing the complaint with intentional dishonesty or with intent to mislead.
- d) Public complaints received regarding quality of service relating to the interpretation or application of legislation, investigation outcome or action taken as a result of an investigation are not normally considered complaints against the conduct or actions of a peace officer. After a review, the authorized employer may choose not to investigate these occurrences pursuant to Section 15(2)(b) of the Act.

Reasons for not investigating complaints by reason of the above definitions must be explained in written format to the complainant and advise them of the ability to appeal to the Director.

All complaints disposed through this section must be reported to the Director on a monthly basis.

21.4 Informal Resolutions of Complaints

Section 15(2)(b) of the Act allows for an authorized employer to refuse to investigate or may discontinue the investigation of a complaint if, in the authorized employer's opinion and having regard to all of the circumstances, no investigation is necessary.

This section was primarily designed to capture complaints that are resolved 'informally' under the processes that the authorized employer has on file with the Public Security Division. This is intended to allow a diversion from the formal findings set out under Section 22 of the POMR in those circumstances where an investigation has begun, or is about to begin, and both the complainant and authorized employer agree to resolve the dispute informally via an approved internal procedure.

Authorized employers who choose to make use of the section must have an informal resolution process filed with the Director.

This section may also be used in those unforeseen circumstances where an investigation is not required based on an evaluation of the circumstances. This section does not alleviate the need for authorized employers to exercise effective management and due diligence in dismissing the complaint.

All complaints resolved in this manner, pursuant to the Act, must be reported to the Director within one month.

21.5 Appeals of Authorized Employer Decision

Any decision reached by an authorized employer relating to a written complaint may be appealed to the Director by virtue of Section 15(4) of the POA. The purpose of having appeals reviewed by the Director is to provide an avenue of third-party oversight for decisions made by authorized employers as they relate to peace officers. This program aspect is seen as valuable in strengthening public accountability and public trust in the program.

A complainant may appeal a decision of an authorized employer within 30 days, in writing, to the Director. The Director is then required by the Act to conduct a review of the circumstances and after consideration 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.

The decision of the Director under this review process is final and there are no avenues for appeal.

Any investigation of an appeal may follow the 'Investigation' process set out in Section 17 of this manual.

21.6 When Appropriate to Notify Peace Officer About Complaints

Part 5 of the POMR makes references in Sections 20 and 21 to notifying a peace officer of complaints made where the Director deems it appropriate. It is recognized that in the majority of cases it is always appropriate and necessary to inform a peace officer about a complaint made to facilitate the principles of due process and fairness. However, in circumstances where such notification may unduly have a negative impact on an internal investigation or place the complainant in an unfavourable position, the notification to the peace officer may be delayed for a period of time.

In the following general circumstances, consideration must be given to delay informing the peace officer about a complaint when it may reasonably be suspected that:

- a) The complainant may be placed in danger,
- b) The complainant may face other inappropriate action by the peace officer should the peace officer be informed,
- c) The notification may impede the gathering of evidence during an internal investigation conducted under Part 3 of the Act,
- d) A reasonable likelihood exists that the complaint may lead to charges under federal or provincial legislation and that notification of the peace officer could impede any resulting police or other investigative agency investigation, or
- e) Any other situation identified by the authorized employer or Director in which it may be appropriate to delay informing the peace officer about the complaint.

In any case where the authorized employer is uncertain as to the appropriateness of informing a peace officer about a complaint, the Public Security Division should be contacted.

21.7 'Section 16' Authorized Employer Initiated Investigations

Section 16 of the Act places a responsibility on the authorized employer to ensure that peace officers acting under the employer's authorization conduct themselves in a manner that is consistent with their peace officer appointment, legislation, policies and guidelines. This provision is designed to ensure that legislative or policy violations identified through supervisory or other in-house processes are dealt with effectively.

In these circumstances, an authorized employer is required to report to the Director within one month each founded occurrence so identified and the results of any investigation.

Occurrences that are reviewed and assessed as unfounded do not need to be reported to the Director.

The standard complaints investigative procedure should be utilized for employer initiated investigations to ensure they are investigated in a responsible and consistent manner.

21.8 Involvement of the Director of Law Enforcement in Public Complaints or Authorized Employer Initiated Investigations

Through reporting requirements contained in the Act and Regulations, summarized in Section 22 of this manual, the Director may become directly involved in a public complaint or authorized employer initiated investigation when the Director is of the opinion that the authorized employer:

- a) Is not investigating a public complaint in a manner that is satisfactory to the Director.
- b) Is not investigating a 'Section 16' matter in a manner that is satisfactory to the Director.
- c) Has failed to investigate a public complaint.
- d) Has failed to investigate a 'Section 16' matter.
- e) That an occurrence has been reported that meets the requirements of Section 19(2) of the Act.

In these circumstances, the department will interact with the authorized employer to provide guidance and advice on how to properly exercise their responsibilities. Should the need exist, the Director may investigate and dispose of the matter through an investigation conducted by Public Security Division staff.

If the Director, or designate, investigates a public complaint or 'Section 16' matter, the Public Security Division must notify the complainant and the peace officer who is the subject of the investigation and the peace officer's authorized employer in writing

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

As it pertains to complaints, the final disposition letter will be of a format detailed in Section 22 of the POMR. As the Director is not the employer of peace officers in this program, the ability to impose discipline is unavailable. In all cases where the Director finds a matter to have merit in whole or in part, a recommendation to the authorized employer will be made to impose discipline in accordance with policy filed with the Director.

Should the authorized employer not take disciplinary action in accordance with their own internal policy, they may be considered in violation of Section 6 of the Act. In those circumstances, remedies available to the Director as detailed in the Act may be considered.

21.9 Peace Officer Appeal Mechanisms

The Act and regulations do not include legislated avenues for a peace officer to request reviews of decisions related to:

- A modification (permanent or otherwise) of the peace officer appointment;
- A suspension of a peace officer appointment;
- Decisions made by an Authorized Employer relating to public complaints; or
- Decisions made by the Director of Law Enforcement (Director) related to any investigation/review conducted under the *Peace Officer Act*.

Peace officers are not employees of the Director and accordingly, any decision made by the Authorized Employer must be appealed through mechanisms established with the Authorized Employer. Any change in outcome as a result of such a process will be recorded by the Peace Officer Program.

Where the Director has conducted an investigation under any provision of the Act and found fault with the peace officer that has not resulted in the cancellation of the peace officer appointment under Section 8 of the Act, the peace officer is entitled to request the Director review his/her decision and submit new evidence for consideration as per the following process:

- a) A peace officer may request a review of a decision made by the Director within 30 days, in writing, to the Director, submitting additional evidence for consideration at this time. The Director may conduct a review of the circumstances and after consideration may:
 1. take any action the Director considers appropriate, or
 2. confirm, reverse or vary the initial decision.
- b) Any investigation required under this policy provision may follow the 'Investigation' process set out in Section 17 of this manual.

22.0 PROGRAM REPORTING RESPONSIBILITIES

There are a number of legislative reporting components designed to strengthen program integrity and provide for a volume of information about authorities exercised by those who carry peace officer appointments. Information collected can be used to determine trends or patterns and in turn be used to build a solid business case for change should issues be identified. Some examples that may potentially lead to updates to the program are as follows: deployment/use problems with a particular weapon; identified training deficiencies; legal precedents or decisions; and systematic safety issues. Additionally, these reporting requirements may be able to identify potential risks with trends in behaviour for individual peace officers, particularly in situations where they are employed by more than one authorized employer.

This section summarizes all reporting requirements that apply to a peace officer or authorized employer.

REPORTS TO THE DIRECTOR OF LAW ENFORCEMENT ON FORM J3535 MAY BE FAXED TO (780) 427-4670, attention Public Security Peace Officer Program Manager, or in non-time sensitive matters by mail to:

**Manager
Public Security Peace Officer Program
10th Floor, 10365 – 97 Street
Edmonton, AB T5J 3W7**

Employer reporting requirements:

TIME IN WHICH INCIDENT MUST BE REPORTED	INCIDENT TYPE
Report to the Director as soon as the authorized employer becomes aware (on incident reporting form J3535 found in Appendix K)	<ul style="list-style-type: none">• The use of a firearm in circumstances in which it was discharged in response to a perceived threat.• Any incident with a peace officer involving serious injury or the death of any person. This does not include circumstances where the peace officer provided traffic control for the police at a fatal or serious motor vehicle collision.• Any allegation that a peace officer used excessive force as identified through an internal reporting process or complaint.• Any incident involving a peace officer where a weapon was used by somebody else, other than animal related duties or training.• Any matter of a serious or sensitive situation related to the actions of a peace officer. If an authorized employer is uncertain if a situation is sensitive or serious the public security program manager may be contacted. If unsure the authorized employer should report the matter.• Incidents in which a peace officer has violated the employer's code of conduct.• If the employer suspends or terminates employment or engagements for services of a peace officer. A brief explanation of the rationale for this action must be included.

	<ul style="list-style-type: none"> • If a peace officer ceases their employment with the employer. • Any event in which the peace officer has reported a charge or arrest to the authorized employer for an offence under the Criminal Code, <i>Controlled Drugs and Substances Act</i>, or any other enactment of Canada. • Any event in which the peace officer has reported a charge or arrest to the authorized employer for an offence under a provincial statute of Alberta, if the authorized employer considers the matter serious. The Public Security Division suggests that arrests or charges under the following be considered as serious: <ul style="list-style-type: none"> ○ <i>Child, Youth, and Family Enhancement Act</i> ○ <i>Gaming and Liquor Act</i> ○ Suspension/cancellation of a driver's license under the <i>Traffic Safety Act</i> if the peace officer is involved in traffic enforcement as part of their duties. ○ Careless driving charges/arrests under Section 115 of the <i>Traffic Safety Act</i> if the peace officer is involved in traffic enforcement as part of their duties. ○ <i>Maintenance Enforcement Act</i>
Authorized employer report to the Director within 24 hours (on incident reporting form found in Appendix K)	<ul style="list-style-type: none"> • Used a firearm not related to duties under the <i>Animal Protection Act</i>, <i>Dangerous Dogs Act</i>, <i>Stray Animals Act</i>, or <i>Wildlife Act</i>. • Used a firearm other than in a training situation. • Any use of firearms or weapons that resulted in a 'training accident'.
Authorized employer report to the Director within two (2) business days (on incident reporting form found in Appendix K)	<ul style="list-style-type: none"> • Each use, against a person, of baton, OC spray, conducted energy weapon or tear gas except as related to duties under the <i>Animal Protection Act</i>, <i>Dangerous Dogs Act</i>, <i>Stray Animals Act</i>, or <i>Wildlife Act</i>.
Authorized employer report to the Director within one (1) month (on incident reporting form found in appendix K)	<ul style="list-style-type: none"> • Each complaint made about a peace officer, unless earlier reporting was required due to incident type and the complaint has been reported. • Each authorized employer initiated investigation under Section 16 identified by the authorized employer. • Each public complaint dismissed as frivolous, vexatious or made in bad faith. • Each public complaint otherwise not investigated or in which the investigation is discontinued prior to a finding. • The dispositions of completed public complaints or authorized employer initiated investigations. This obligation can be discharged by copying the Director on finding letters sent to the complainant or peace officer.
Report to the Director annually	<p>An annual report showing at a minimum:</p> <ul style="list-style-type: none"> • Name and position of the program contact person. • An updated list of peace officers employed and their positions within the agency.

	<ul style="list-style-type: none"> • A short summary describing the general nature of services provided by the peace officers, the operational practices of peace officers employed, and listing showing enforcement and enforcement related activities that took place. <p>Submission dates for annual reports can be set by the authorized employer to coincide with any internal reporting systems. If no date preference is indicated by the authorized employer then these reports are due by the end of <u>January</u> each calendar year.</p>
Peace officer must report to the authorized employer within 24 hours	<ul style="list-style-type: none"> • Any event in which the peace officer has been charged or arrested for an offence under the <i>Criminal Code</i>, <i>Controlled Drugs and Substances Act</i>, or any other enactment of Canada. • Any event in which the peace officer has been charged or arrested for an offence under a provincial statute of Alberta. • Loss of peace officer ID card.

The sections marked in bold are circumstances in which the Director is obligated by the Act to conduct an investigation unless he has requested a police service or other person to conduct the investigation or if the incident is being investigated pursuant to another matter.

23.0 OFFENCES AND PENALTIES UNDER THE ACT

Section 25 of the Act details that it is an offence to impersonate a peace officer, either through an overt act or the use of a uniform or equipment similar to that of a peace officer.

In cases where uniforms closely resemble a peace officer uniform, the Minister, by written order, may direct an agency or person to cease the use of such uniforms.

On May 1, 2009, the use of the term 'special constable', 'constable', 'community constable', or any other combination utilizing the term 'constable' will not be permitted by those within the scope of legislation governing this program. The only exemptions will be those peace officers who fall under federal legislation that so permit. The intent of this section is to reserve the use of the title 'constable' for police officers as defined in the *Police Act*.

In addition to the authorities available to the Director under the Act and Regulations, Section 26 allows the Minister to obtain a court order directing the offending individual/agency to remedy a situation.

24.0 ENFORCEMENT AND OPERATIONAL PRACTICES

24.1 Preamble/Citizens' Arrest

The Solicitor General and Minister of Public Security have the authority to specify the authority, responsibility and duty that may be carried out by a peace officer. The following policies are meant to provide clarification and direction to authorized employers and peace officers by addressing some common situations that may be faced by peace officers in the course of their duties. No policy manual can ever list all potential situations that may be encountered in the field nor is it desirable to attempt development of a comprehensive list based on every possible event that may be encountered.

Peace officers only have peace officer status while carrying out duties listed on their peace officer appointment. Section 494 of the Criminal Code of Canada provides authorities for any person and may be an option for peace officers who encounter criminal offences that are outside the authorities granted through their peace officer appointment. Section 494 CC reads as follows:

- 494.** (1) Any one may arrest without warrant
- (a) a person whom he finds committing an indictable offence; or
 - (b) a person who, on reasonable grounds, he believes
 - (i) has committed a criminal offence, and
 - (ii) is escaping from and freshly pursued by persons who have lawful authority to arrest that person.
- (2) Any one who is
- (a) the owner or a person in lawful possession of property, or
 - (b) a person authorized by the owner or by a person in lawful possession of property, may arrest without warrant a person whom he finds committing a criminal offence on or in relation to that property.
- (3) Any one other than a peace officer who arrests a person without warrant shall forthwith deliver the person to a peace officer.

Authorized employers may choose to implement internal policies for their peace officers who encounter criminal offences based on Section 494 CC.

24.2 Criminal Occurrence Procedures

Attending to, or participation in, an incident in which weapons are suspected or reported is inherently dangerous and are the jurisdiction of the police; peace officers will not respond to such calls or become directly involved with the suspects, unless provided with full peace officer authorities on the appointment (i.e., Court sheriffs, within the confines of their job duties; full time Fish and Wildlife officers; full time Conservations officers, or out of province police officers). If during the normal course of duties, a peace officer encounters a situation in which weapons are present and there is a reasonable expectation that they may be used in an illegal manner or in a manner impacting the safety of the peace officer or public, they shall:

- a) Remove themselves from any immediate harm.
- b) Contact the police service of jurisdiction immediately.
- c) Be aware that the presence of a uniformed individual may escalate an event in progress and no efforts to involve themselves in the incident should be taken.
- d) Recognize that criminal matters and crimes in progress are the responsibility of the police.
- e) Be aware that peace officers do not have access to the full spectrum of tools/training to safely intervene in situations in which a weapon is present.

And may:

- a) Attempt to minimize the threat to other persons in the immediate vicinity.
- b) Observe and report to the police as a witness, if safe to do so, and from a safe distance.

Response to calls involving domestic situations, sexual assaults, or any other criminal event is not permitted. The police are legally mandated to attend these occurrences and investigate in accordance with established practices. If during the normal course of duties a peace officer encounters a domestic, sexual assault, or any other criminal event, they shall:

- a) Contact the police service of jurisdiction immediately.
- b) Be aware that the presence of a uniformed individual may escalate an event in progress and no efforts to involve themselves in the incident should be taken.
- c) Recognize that criminal matters and crimes in progress are the responsibility of the police.
- d) Be aware that peace officers do not have access to the full spectrum of tools/training to safely intervene in or investigate criminal events.

And may:

- a) If safe to do so, take action only to preserve the safety of those involved otherwise remove themselves from any immediate harm.
- b) Observe and report to the police as a witness, if safe to do so, and from a safe distance.

24.2.1 Use of Informants or Agents

Peace officers, except out of province police officers, within this program may not make use of informants or agents without the prior approval of the Director of Law Enforcement. This approval will only be granted where a clear business case can be

made rationalizing their use, extensive policy is in place, and with the support/approval of the police service of jurisdiction, if the Director so requires.

- **INFORMANT:** A source that secretly provides information or intelligence to law enforcement and is paid or compensated for that effort or would be eligible for payment or compensation.
- **AGENT:** Any source that is directed by a law enforcement officer. Agents are exempt of informant privilege and are compellable witnesses.

24.3 Impaired Drivers/Suspected Impaired Drivers

This is an area of law that is extremely complicated and diverse. Impaired driving is a Criminal Code offence and is the responsibility of the police. Impaired driving offences should not be actively sought by a peace officer, regardless of their appointment authority. It is recognized that there are occasions where a peace officer may encounter a suspected impaired driver during the regular course of their duties.

- a) If during the course of their authorized duties a peace officer encounters an individual they suspect may be impaired by alcohol or a drug, they shall immediately contact and advise the police service of jurisdiction and request their attendance/assistance.
- b) If the police are unable to attend and sufficient grounds exist, they should administer a 24-hour disqualification in accordance with their peace officer appointment under the *Traffic Safety Act*.
- c) Provisions of the Criminal Code relating to Section 494 may be applicable when dealing with a suspected impaired driver roadside. Section 494 CC would not provide authority to utilize emergency equipment to attempt to stop a vehicle to conduct an arrest.
- d) In the event that a suspected impaired driver is issued a 24-hour disqualification in situations where the police are unable to respond, a peace officer is encouraged to file a report with the police service of jurisdiction. Based on the strength of the peace officer's observation a police investigation may be initiated for impaired driving.
- e) In the event an individual is arrested pending arrival of the police under Section 494 of the Criminal Code, that person should be read their Section 10(a)(b) Charter Rights.

24.4 Breath Demands

Making a demand for a breath sample into an approved screening device or roadside screening device by a peace officer is not permitted under law as they lack authority under the Criminal Code. There are no provincial statutes currently enacted that allow a peace officer to use an approved screening device or roadside screening device in

relation to the operator of a motor vehicle including those with a graduated driver's license.

A breath demand under the Criminal Code pursuant to Section 253 is not an authority provided to peace officers.

24.5 Checkstops

- a) Alberta Checkstops are conducted to detect impaired driving offences under the Criminal Code. Unless permitted by the Director of Law Enforcement, peace officers may not participate in a Checkstop for the purposes of questioning drivers or performing the initial screening of drivers for alcohol impairment. Any involvement by a peace officer in asking questions about alcohol consumption and then calling a police officer for further investigation may jeopardize a successful Criminal Code prosecution as peace officers lack legal authority for these offences.
- b) Peace officers may only participate in Checkstops with police services provided their participation does not extend beyond providing traffic control on-site and they have no interaction with the drivers, unless permitted by the Director of Law Enforcement.
- c) Facilitating the towing of vehicles under provincial statutes or after a criminal investigation has been completed are also permissible under the authorities provided to peace officers.
- d) If a police officer has conducted an investigation and determined that no criminal charges are to be laid, a peace officer may lay charges or perform functions within the scope of their appointment.

24.6 Deleted (2012)

24.7 Pursuits

- a) Pursuit definition: A motor vehicle pursuit occurs when a peace officer follows a vehicle with the intent to stop or identify the vehicle or driver, and the driver, being aware of the peace officer's actions, fails to stop, and the driver initiates evasive action or ignores directions to stop/avoid apprehension.
- b) A motor vehicle pursuit presents an extreme risk to public safety and shall not be conducted by any peace officer appointed under the *Peace Officer Act*. Peace officers, other than those with full policing authority, are prohibited from engaging in pursuits by the Alberta Solicitor General and Public Security Motor Vehicle Pursuit Guidelines (2005) and this policy manual.

- c) Upon encountering an individual who has chosen not to stop their vehicle when directed to do so, a peace officer will immediately cease all efforts to stop the vehicle. This will include turning off all emergency equipment and reducing speed. Contact, on an urgent basis, should be made with the police service of jurisdiction to advise them of the circumstances, providing a description of the vehicle and direction of travel.
- d) A pursuit may involve high or low speeds and vehicles other than automobiles.

24.8 Closing the Distance

“Closing the distance” or “catch up situations”

- i. In some cases, an emergency response vehicle will attempt to close the distance on a suspected violator to further a law enforcement effort. These situations are not considered pursuits unless some overt action by the suspected offender suggests an attempt to avoid apprehension. This practice is commonly referred to as “closing the distance” or “catch up.” In these situations, an emergency response vehicle is being operated in a manner that is different from normal traffic patterns.
- ii. The *Traffic Safety Act* states that “a siren on an emergency vehicle shall be operated only when the vehicle is being used in response to an emergency.”
- iii. Closing the distance is not normally considered an emergency. A peace officer involved in such a situation must continually evaluate all factors that involve public and officer safety. If the risk assessment indicates a risk to public safety, the procedure shall be terminated.
- iv. “Closing the distance” or “catch up” manoeuvres may only be performed when there is a reasonable likelihood for apprehension of the suspected offender.

The paramount purpose behind those policy decisions is public safety. Failure to abide by these policies could expose the public to an unacceptable risk or the peace officer to legal action. Solicitor General and Public Security views the issue of motor vehicle pursuits involving peace officers very seriously and will actively follow up on any pursuits involving peace officers with a view to ensuring that enforcement activities are conducted within legislated constraints and that corrective action is taken where necessary.

24.9 Spike Belts/Roadblocks

- a) No peace officer will participate or assist in the deployment of a spike belt or other similar device.
- b) No peace officer will participate or assist in the implementation of a roadblock technique.

24.10 Criminal Code or Provincial Warrants

The ability for peace officers to execute Criminal Code warrants is an authority that may be obtained by peace officers. Where an authorized employer sees value in its peace officers being able to execute Criminal Code warrants, they may apply to the Public Security Division to add that authority to their employer authorization.

The ability to execute provincial warrants is available to peace officers provided the provincial warrant has been issued for an offence found within the peace officer's appointment (i.e., If the warrant is for a moving offence under the *Traffic Safety Act*, the peace officer must have moving *Traffic Safety Act* authority on their appointment).

Requirements that must be in place for this authority to be added:

- a) Peace officer must successfully complete the Criminal Code warrant training package available through the Solicitor General and Public Security Staff College or approved equivalent.
- b) Access to Canadian Police Information Centre (CPIC) with the ability to formally confirm any warrants and to receive direction from the originating agency.
- c) An agency policy detailing how warrant files will be created and retained.
- d) Vehicles equipped to a level determined suitable by the authorized employer to allow for the safe transportation of persons arrested on outstanding warrants.

Judicial interim release hearings may not be conducted by peace officers in this program unless employed directly by a police service and with the permission of the Director of Law Enforcement.

24.11 Form 7 Warrant Procedures

- a) Arrest subject and read Charter rights.
- b) Make contact with the originating agency to confirm the warrant, and determine their wishes for release.
- c) Release subject on the appropriate legal form if required/appropriate.
- d) Transport to the police service of jurisdiction if a judicial interim release hearing required.
- e) Advise the originating agency of the process followed and forward all original documents.
- f) Create a paper file and keep copies of all forms issued.

24.12 Form 21 Warrant Procedures

These warrants are commonly known as 'pay or stay' warrants. They indicate that the subject has been convicted of an offence, and is to be incarcerated pending the payment of a monetary fine.

- a) Arrest subject and read Charter rights.
- b) Make contact with the agency originating the warrant and confirm the warrant.
- c) A subject arrested on a Form 21 warrant must pay the fine or be incarcerated.
- d) If the subject is able to pay the fine, a receipt must be issued (cash or money orders only).
- e) Advise the originating agency of the process followed and forward all original documents.
- f) Create a paper file and keep copies of all forms issued.

If the subject is unable to pay the fine, they must be transported to the police service of jurisdiction for incarceration. With prior procedures in place, and where available, peace officers may transport subjects arrested on Form 21 warrants to a provincial correctional institution.

24.13 Emergency Response

The ability to allow peace officers to respond to certain situations utilizing emergency lights and siren may be granted in accordance with this section.

An authorized employer who chooses to assume this authority must apply to the Director and have the authority appear on the Authorization to Employ Peace Officers. The Director will consider applications if agency policies have been created reflecting the following requirements:

- a) Only peace officers who have successfully completed a forty (40) hour Emergency Vehicle Operations Course based on a police curriculum may apply to the Director for emergency response authority.

NOTE: *The pursuit course elements of EVOC training are in no manner intended to suggest that peace officers are legally permitted or sufficiently trained to engage in pursuits. All pursuit training provided to peace officers should be treated as skill development related to the handling of a motor vehicle only. See Section 24.7 for more information on pursuit prohibitions.*

- b) Peace officers may only engage in emergency response duties if they have applied to the Director and had their peace officer appointment amended to include this authority.

24.13.1 Operational Directive

a) Situations in which an emergency response is allowed are restricted to:

- Injury collisions.
- Providing backup to police or peace officers where there is a reasonable belief that the officer is in serious danger and the peace officer may be the closest assistance available.
- Attending a fire or medical situation at the request of the Fire or EMS department (It must not become standard practice to provide a co-response to all fire or medical situations).
- Any emergent situation if requested by a police service to attend in an emergency response capacity

All situations will be evaluated by the peace officer to assess if the services they can provide on-scene outweigh the risk created to the public and peace officer by traveling in an emergency response capacity. Public safety is the primary consideration in all emergency response situations.

b) Emergency vehicle response will not be conducted for:

- Non-injury motor vehicle collisions.
- Providing backup to police or peace officers where there is a police officer closer and already responding to the situation, unless requested by that police service to attend.
- Any other non-urgent situations.

All motor vehicle collisions resulting from emergency vehicle responses are to be reported to the Director of Law Enforcement as a sensitive/serious occurrence on the approved form - PS3535 (2007/10).

24.14 Motor Vehicle Collisions

Authority is available for peace officers to investigate non-injury motor vehicle collisions. This authority will allow municipalities to supplement their police service through the use of peace officers attending non-injury motor vehicle collisions, thus allowing the police to focus their efforts on criminal and higher priority calls for service.

An injury collision scene and the investigation therein is the responsibility of the police. Assistance with traffic control, scene control or other corollary steps may be provided at the request of the investigating police service.

A peace officer may provide assistance at any collision scene they encounter during the course of their duties. It is expected that a peace officer would provide assistance to any injured persons; notify the required emergency services; safeguard the scene for other road users; prevent further harm or injury; and otherwise provide/render assistance prior to the arrival of other emergency services.

Definition of non-injury motor vehicle collision: any motor vehicle collision in which the occupant(s)/pedestrian(s) do not require medical attention. There will be circumstances in which injuries result in medical care being provided after the event. In those circumstances, the collision investigation file must be turned over to the police service of jurisdiction.

Requirements that must be in place prior to this authority being granted on an authorization or appointment:

1. Written approval from the police service of jurisdiction to exercise these authorities.
2. Peace officers must successfully complete the 40-hour "On-scene Level II Collision Investigation Course" delivered by an approved instructor.
3. An agency policy including, at a minimum, the following provisions:
 - If and how the police service of jurisdiction will notify peace officers about non-injury MVC incidents.
 - How completed MVC forms and incident reports are to be submitted to the police service of jurisdiction.
 - Specific format of written submissions to the police service of jurisdiction.
 - A procedure for notifying the police service of jurisdiction when a collision changes from a non-injury to an injury after the scene has been cleared.
 - Policy detailing how paper files will be created and stored in accordance with records retention policy. Authorized employers should be aware that civil litigation can result from motor vehicle collisions and that peace officers may be called into civil court years after the event occurred to provide testimony.

Approved Instructors

An approved instructor is an individual that receives a designation from the Public Security Division by meeting the following requirements:

- Is a current or former police officer.
- Is a current or former peace officer/special constable with a minimum of 10 years of full time employment and is/was engaged in enforcing moving provisions of the *Traffic Safety Act*.
- Holds certification as a Collision Analyst or Re-constructionist.

- Commits, in writing, to delivering the “On-scene Level II Collision Investigation Course” accurately, without modifications and in accordance with updates to course content as directed by the governing body responsible for the course

24.15 Primary Highway Enforcement

- Primary highways in Alberta are identified as one, two and three-digit highways. Three-digit primary highways were formally called “secondary highways.” In 2000-2001, Alberta Infrastructure and Transportation converted the secondary highways to primary highways and assumed responsibility for maintenance of those roadways.
- The Public Security Peace Officer Program permits enforcement on one and two-digit primary highways when that highway is confined within the urban boundaries of a municipality and the speed limit is **90 KM/H OR LESS**.
- An authorized employer seeking authority for a one or two-digit primary highway that falls within the parameters as stated above, must submit a map of their municipal area clearly identifying the portions of primary highway for which enforcement authority is sought.
- Automated Traffic Enforcement may be conducted on one, two and three-digit highways that are confined within the urban boundaries of a municipality, regardless of speed limits. The highways need not, but in some cases may, appear on the Authorization or Appointment as required in sections (a) through (c) above. An authorized employer is entitled to use the technology as detailed in the Provincial Automated Traffic Enforcement Technology Guidelines.

24.16 Multiple Emergency Service Roles for Peace Officers

A peace officer may assume the additional roles of firefighter, paramedic, EMT, or Disaster Services Responder, where supported by the required training.

A municipality must submit a request to the DLE, in writing, showing proof of training accepted by the municipality to engage in the additional role(s) and show how that training is deemed suitable under applicable provincial rules/guidelines.

If accepted, peace officer appointments will be modified to reflect the additional job roles.

24.17 Traffic Safety Plans

A Traffic Safety Enforcement Plan is a mandatory requirement for all Authorized Employers who conduct moving traffic enforcement. The intent of the plan is to bring awareness to the employer of the frequency and locations of motor vehicle collisions that involve serious injury or death and to then direct enforcement activities to target causal

factors. It is the responsibility of the employer to ensure that the peace officers who perform traffic safety enforcement duties are aware of the Traffic Safety Plan and conduct their enforcement in accordance with the plan.

It is generally the police services in Alberta that have the expertise and access to current data that best positions them to provide direction as to where enforcement resources are best deployed to enhance public safety.

In order to ensure fair and consistent enforcement that improves traffic safety, Authorized Employers, who conduct active traffic enforcement, are required to file an updated Traffic Safety Plan with Public Security Division at minimum every three years. The plan must incorporate the most recent collision data available from the police service of jurisdiction.

Public Security Division, at the direction of the Solicitor General and Minister of Public Security, will conduct audits to ensure compliance with this requirement.

25.0 PEACE OFFICER LONG SERVICE MEDAL

Any peace officer whose service with an authorized employer equals or exceeds a period of 20 years may be nominated to receive a medal in recognition of long service.

Eligibility Criteria

- a) Those considered eligible are provincially appointed peace officers, who are employed in an enforcement capacity by an authorized employer, but does not include provincially appointed peace officers employed in an administrative capacity or provincially appointed peace officers employed in the RCMP auxiliary police program.
- b) For the purposes of this medal, the period served as a special constable/peace officer must actually have been served within Alberta and does not include any period of service outside of Alberta, or any period of leave to serve with the Armed Forces.

For more detailed information on eligibility criteria and application processes please consult the Solicitor General and Public Security website.

http://www.solgps.alberta.ca/programs_and_services/public_security/law_enforcement_oversight/Pages/law_enforcement_recognition.aspx

26.0 PUBLIC SECURITY PEACE OFFICER PROGRAM BULLETIN

The Public Security Division shall ensure that information relevant to the peace officer program is distributed to authorized employers.

- a) The primary mechanism for distributing information to authorized employers is the Peace Officer Bulletin sent via mail and placement on the Public Security Department's website at www.solgps.alberta.ca.
- b) Legislative, policy, and procedure changes will be distributed via bulletin and sent out by registered mail.
- c) The Public Security Division shall distribute to authorized employers via a peace officer bulletin all information that is relevant to the service provided by peace officers.
- d) The peace officer bulletin shall be distributed to all authorized employers unless the information has limited relevance. In those cases a limited fan out will be conducted for the appropriate authorized employers.

Appendix Listing

- A. Application for Authorization to Employ Peace Officers**
- B. Application for Peace Officer Appointment**
- C. Consent for Records Check**
- D. Oath of Office**
- E. 'Section 3' Application for Authorization to Employ Peace Officers**
- F. Section 3 Peace Officer Application**
- G. Example Authorization to Employ Peace Officers**
- H. Example Peace Officer Appointment**
- I. Section 13 order example (pending development)**
- J. Traffic Safety Plan Example**
- K. Incident Report**
- L. Request for Temporary Expansion of Jurisdiction**
- M. Authority for Temporary Expansion of Jurisdiction**
- N. Not In Use – Intentionally Blank**
- O. Multiple Peace Officer Designation Letter Example**
- P. Example Shared Services Agreement**
- Q. Example Public Complaint Finding Letter**
- R. Suggested Firearms Policy**
- S. Suggested OC Policy**
- T. Suggested Baton Policy**
- U. MOU Alberta Peace Officer**
- V. MOU Community Peace Officer**
- W. Uniforms/Vehicles**
- X. Request for Amendment to Authorization or Appointment**
- Y. Common Questions and Drug Scenarios**
- Z. Process for Investigation of Criminal Allegations Against Peace Officers**

Appendix A

Application for Authorization to Employ Peace Officers

Name of Employer	
Name & Position of Designated Contact Person <small>(must be a person other than a peace officer, who is a person in a senior management position with the authorized employer)</small>	Telephone Number
Address	

Employer Type: (check one)

- ☐ Federal Government
- ☐ Provincial Government
- ☐ RCMP Detachment
- ☐ Municipality
- ☐ Police Service

NOTE: Out of Province Police Service and Peace Officer Agencies must use the application form specific for that category. (J3625)

Please provide a rationale justifying a need for peace officers: (You may use this form or attach a business case)

Please list which statutes/powers you are seeking authority for:

Please list the geographical jurisdiction(s) you require. Include any one, two or three digit highways.
(Note: one and two digit highway authority can only be granted if the speed limit is 90km or less and the highway is within urban confines of a municipality. Please attach a map showing the zone and speed limit if requesting jurisdiction on one or two digit highways.)

Do you require an exemption from complying with uniform requirements due to:

☐ Yes ☐ No

- Peace officer duties are of a nature not requiring a uniform. (i.e. front desk clerk, exhibit custodian, non-uniformed investigative duties)
- Peace officers under this Authorization may be conducting plainclothes enforcement functions.

Rationale:

Training is an important element for peace officers in this program and duties may be restricted until adequate training has been completed. Basic training requirements, as established by the Solicitor General and Minister of Public Security, must be met. Are you prepared to obtain the required training for any peace officers employed by your agency? ☐ Yes ☐ No

Is any peace officer to be employed currently working for another Peace Officer Agency? ☐ Yes ☐ No
If yes, then a written agreement must be in place between the employers. (attach copies)

Please check which weapons your agency requires:

- ☐ Firearm(s) (Federal or Provincial Government only)
- ☐ Shotgun
- ☐ OC Spray
- ☐ Baton
- ☐ Conducted Energy Weapon (Federal or Provincial Government only)
- ☐ Tear Gas (Federal or Provincial Government only)

For each weapon selected, copies must be provided of your related policy and procedures. Please review the Public Security Peace Officer Program Policy Manual for minimum policy/procedure requirements as it pertains to training, use, storage, etc.

☐ Check here to indicate policies are attached to this application

All of the following legislated requirements **MUST** be in place prior to an Authorization application being considered. Check each box showing that policies/documents are in existence pertaining to the noted requirement and that a copy is attached.

- ☐ Specify the duties and responsibilities proposed for the peace officers.
- ☐ A code of conduct for peace officers that meets the requirements of the Regulation.
- ☐ A copy of penalties that may be imposed for contravention of the code of conduct or other discipline matters.
(This is usually the current established Human Resources policy already in place)
- ☐ A policy and process for managing and responding to public complaints against peace officers that meets the minimum requirements of the Act and Regulation and the process proposed for the investigation of complaints.
- ☐ A records management system and an operational records system that meets the requirements of the Regulation.
- ☐ Confirmation of liability insurance, unless the applicant is the Crown, a Crown agency, or an applicant from outside Alberta.
- ☐ A memorandum of understanding with the police service of jurisdiction.

Acknowledgements:

- 1) Section 10 of the *Peace Officer Act* states that the employer of a peace officer is liable for the acts and omissions of the peace officer while the peace officer is acting within the scope of the peace officer's authority, responsibility, and duties.

Does your agency agree to accept liability for your peace officers pursuant to the *Peace Officer Act*? ☐ Yes ☐ No
- 2) Has your agency developed a working knowledge and understanding of the *Peace Officer Act*, *Peace Officer Regulation*, *Peace Officer (Ministerial) Regulation*, and the *Public Security Peace Officer Program Policy Manual*? ☐ Yes ☐ No
- 3) Will your agency abide by legislation and policy requirements as it pertains to duties carried out by your peace officers? ☐ Yes ☐ No

Date

Signature of Designated Contact Person

For Public Security Division Use Only

Has the Act and Regulations requirements been met? ☐ Yes ☐ No

Is the Application approved? ☐ Yes ☐ No

If yes, approved for (check one):

☐ All authorities and weapons requested

☐ Only the listed authorities and weapons:

Add the following terms and conditions (check all that apply)

☒ The authorized employer must abide by Public Security Peace Officer Program Policy, January 2007, as amended from time to time, issued by the Director.

☐ Peace officers under this Authorization are exempt from uniform and vehicle requirements as the nature of the work does not require a uniform

☐ Peace officers under this Authorization are exempt from uniform and vehicle requirements while conducting plainclothes duties.

☐ Others as written below:

Date

Signature of Reviewer

Appendix B

Application for Peace Officer Appointment

Applicant Name (Last, First, Middle)	Date of Birth (yyyy/mm/dd)
Home Address (Street, city/town)	
Authorized Employer	
Name and Position of Designated Contact Person	
Address	Telephone Number (include area code)

Are you a Canadian Citizen or lawfully entitled to work in Canada? ☐ Yes ☐ No

Do you currently hold a private investigator or security guard license? ☐ Yes ☐ No

If yes, your application will not be processed until that license is cancelled.

Training/Education

Have you received basic police officer training? ☐ Yes ☐ No

If so, provide name of agency and date of training.	Date
---	------

Have you received Special Constable, Peace Officer, or any other enforcement training from the Government of Alberta? ☐ Yes ☐ No

If so, provide name of agency and date of training.	Date
---	------

List all post secondary certificates, diplomas, and degrees obtained.

Certificate/Diploma/Degree	Name of Institution	Date Received

☐ Documents must be attached (check box)

List any other training received that may be applicable to your application

Please check which weapons you are applying for permission to carry.

(Note: Your Authorized Employer must be approved to issue these weapons in accordance with Regulations and Policy)

- ☐ Firearm(s)
- ☐ OC Spray
- ☐ Baton
- ☐ Conducted Energy Weapon
- ☐ Tear Gas

Please list training courses, course provider and dates of completion for weapons certification.

	Course	Provider	Date
1.			
2.			
3.			
4.			
5.			

☐ Certificates must be attached (check box)

Note: training or recertification must be within 12 months of application for firearms or shotgun and within 36 months for other weapons.

For those job roles with a physical component an approved physical abilities evaluation test must be successfully completed.

Please list physical test taken, date successfully completed, test provider and provide a copy of the certificate issued.

(Note: Physical tests are valid for 6 months from date of completion).

	Test	Provider	Date
1.			

☐ Certificate must be attached (check box)

List all employment you have had in the last 10 years.

Employer Name		
Address		Telephone Number (include area code)
Job Title	Employed From (Start Date)	Employed To (End Date)

I declare that all information provided in this Application for Peace Officer Appointment is true and I understand that any false statements may result in the rejection of my application.

Date

Signature of Applicant

Other attachments that **must** accompany this application:

- Color photo of applicant.
- Criminal Record and Criminal Activity Check completed by a police service.
- Signed Peace Officer Consent for Records Check Form (J3618)
(Community Peace Officer - Level 2's exempt)
- Cheque or Money Order payable to the Minister of Finance in the amount of \$100.00
(Crown and Crown Agents exempt)

For Employer Use Only

Do you currently employ the applicant?

☐ Yes ☐ No

If no, have you offered the applicant employment conditional upon the approval of their peace officer application?

☐ Yes ☐ No

Have you completed three satisfactory reference checks?
If no, the application will not be approved.

☐ Yes ☐ No

Please list the Authorities and weapons requested for this applicant:

Date

Signature of Designated Contact Person

For Public Security Division Use Only

Police and Government records check:

☐ Favorable

☐ Unfavorable

Date Completed: _____

Is the application approved?

☐ Yes

☐ No

If yes, training reviewed and qualifies for: (check one)

☐ Full Appointment

☐ Conditional Appointment (list conditions below)

☐ Training Letter (list required training below)

Conditions or Training:

Date

Signature of Reviewer

Appendix C

Consent for Records Check

Alberta Peace Officers and Community Peace Officers Level 1 Only

A background records check for criminal convictions and outstanding charges is part of the selection process that must be completed by the Authorized Employer and submitted to the Public Security Division when sending in an application for Peace Officer Appointment. This process may be completed through your local police service.

Program participants must be subject to the highest standards of screening to ensure program integrity and professionalism. Section 5(3)(b) and (c) of the Peace Officer (Ministerial) Regulation provides for an enhanced series of checks to be completed as follows for all Alberta Peace Officers and Level 1 Community Peace Officers:

- (3) In considering an application under subsection (1), and for the purpose of determining the eligibility and suitability of the person concerned, the Director may, with the consent of that person, conduct
- (a) a criminal record check,
 - (b) a background check, and
 - (c) a review of information held by police services, law enforcement agencies within Alberta and outside Alberta, and government agencies within Alberta and outside Alberta.

The nature and responsibilities of a Peace Officer position are such that information found in some police or government held records can compromise suitability for an individual to hold a Peace Officer Appointment granted by the Province of Alberta. The decision to issue a Peace Officer Appointment will be made in consideration of the nature of the information, the circumstance under which it occurred, and whether the information will affect a person's suitability to hold a Peace Officer Appointment. Any information provided during this process will be held in strict confidence and not shared with an Authorized Employer.

Please be aware that the background check is a requirement under law and applicants will not be considered for a Peace Officer Appointment unless consent is provided.

Consent for Disclosure of Information

Public Security Peace Officer Program

Applicant Name (Last, First, Middle)	Date of Birth (yyyy/mm/dd)
Address:	
Position Applied for:	
Authorized Employer:	

Waiver and Release

I hereby release and forever discharge Her Majesty the Queen in Right of the Province of Alberta as represented by the Solicitor General and Minister of Public Security, any individual, company, government agency, or public body and their employees, representatives, agents and assigns from any and all actions, causes of actions, claims and demands for damages, loss or injury, which may hereafter be sustained by myself, howsoever arising out of the authorized disclosure of information and waive all rights thereto.

Date

Signature

Consent

I consent to a search of records held by police services, law enforcement agencies within Alberta and outside Alberta, and government agencies within Alberta and outside Alberta for the purposes of conducting a background check in accordance with section 5(3) of the Peace Officer (Ministerial) Regulations.

I understand that as a result of giving this consent I am authorizing any police services, law enforcement agencies within Alberta and outside Alberta, and government agencies within Alberta and outside Alberta to share any and all information with the Government of Alberta, Solicitor General and Public Security for the purpose of determining my suitability to hold a Peace Officer Appointment in Alberta.

This consent is valid for a period of three months from the date of signature.

Date

Signature

Protection of Privacy - The information on this form is required for the purpose of determining your eligibility to hold an appointment issued under the *Peace Officer Act*. The personal information requested on this form is collected under the authority of the *Freedom of Information and Protection of Privacy Act*. Direct any questions about this collection to: Manager, Public Security Peace Officer Program, 10th Floor, 10365-97 Street, Edmonton, AB T5J 3W7. (780) 427-3457

This information will be retained and disposed in accordance with approved records retention and disposal schedules of Alberta Solicitor General and Public Security.

Appendix D

Oath of Office



Oath of Office for Peace Officers

Public Security Peace Officer Program

I, _____ ,
swear that I will diligently, faithfully and to the best of my ability execute according to law in the office
of a peace officer for the _____ and will not,
except in the discharge of my duties, disclose to any person any matter or evidence brought before me
in this office of a peace officer, so help me God.

Sworn before me in the _____ of)

_____ in the Province of Alberta, this)

_____ day of _____)

Commissioner for Oaths in and for the Province of Alberta)

Print Name and Expiry Date

Signature

Appendix E

‘Section 3’ Application for Authorization to Employ Peace Officers

**Section 3 - Application for Authorization to
Employ Peace Officers**
(For Out of Province Police Services or Peace Officer Agencies)

Public Security Peace Officer Program

Name of Employer	
Name & Position of Designated Contact Person (must be a person other than a peace officer, who is a person in a senior management position with the authorized employer)	Telephone Number
Address	

Amendment Type (Check one)

- ☐ Police Service
- ☐ Other Law Enforcement Agency

Please provide a rationale justifying a need for police authority in Alberta (check all that apply)

- ☐ Criminal Code Investigation
- ☐ Federal Statute Investigation
- ☐ Undercover/Covert Investigation
- ☐ Surveillance
- ☐ Protective Detail
- ☐ Intelligence
- ☐ Other - please list

Training is an important element of peace officers in this program. Briefly detail the training that any applicants under this Authorization will have successfully completed as it relates to obtaining policing authority in Alberta.

Please check which weapons your agency requires:

- ☐ Firearm(s)
- ☐ OC Spray
- ☐ Baton
- ☐ Conducted Energy Weapon
- ☐ Tear Gas

For each weapon selected, copies must be provided of your related policy and procedures. Please review the Public Security Peace Officer Program Policy Manual for minimum policy/procedure requirements as it pertains to training, use, storage, etc.

- ☐ Check here to indicate policies are attached to this application

All agencies who obtain an Authorization to Employ Peace Officers under section 3 of the Peace Officer (Ministerial) Regulations have been exempted from the following sections of the same regulation:

- 2(1) b, c, d, e, g, h, i, and j.
- 5(2) g and h
- 5(3)(b) and (c)
- 7

All other legislated requirements apply.

Acknowledgements:

- 1) Section 10 of the *Peace Officer Act* states that the employer of a peace officer is liable for the acts and omissions of the peace officer while the peace officer is acting within the scope of the peace officer's authority, responsibility and duties.

Your agency agrees to accept liability for your peace officers pursuant to the *Peace Officer Act*;

- 2) Your agency has developed a working knowledge and understanding of the *Peace Officer Act*, Peace Officer Regulation, Peace Officer (Ministerial) Regulation, and the Public Security Peace Officer Program Policy Manual;
- 3) Your agency will abide by legislation and policy requirements as it pertains to duties carried out by your peace officers;
- 4) That all peace officers that may be appointed under your Authorization are Canadian citizens or lawfully entitled to work in Canada;
- 5) That your code of conduct will apply to your peace officers while working in Alberta;
- 6) That complaints made about peace officers appointed under this Authorization will be dealt with in accordance with the *Peace Officer Act*, Peace Officer Regulation, and Peace Officer (Ministerial) Regulation;
- 7) That you have an internal public complaints process; (copy must be attached)
- 8) Your agency will provide information about the date of arrival and departure to/from Alberta for each peace officer appointed under this Authorization. The notification must provide the names of police officers, their intended location in Alberta, the estimated duration of their stay and a brief rationale. This information can be mailed to:
Director of Law Enforcement, Public Security Division, Alberta Solicitor General and Public Security
10th Floor, J.E. Brownlee Building, 10365-97 Street, Edmonton AB T5J 3W7
or faxed to: (780) 427-5916
- 9) Your agency will provide evidence satisfactory to the Director that your agency has made or will make appropriate arrangements with a police service or the Minister with respect to work in Alberta. (A policy should be in place requiring peace officers appointed under this Authorization to make these arrangements prior to entering Alberta)

Date

Signature of Designated Contact Person

For Public Security Division Use Only

Has the Act and Regulations requirements been met? ☐ Yes ☐ No

Is the Application approved? ☐ Yes ☐ No

If yes, approved for (check one):

☐ All authorities and weapons requested

☐ Only the listed authorities and weapons:

Add the following terms and conditions (check all that apply)

☒ The authorized employer must abide by Public Security Peace Officer Program Policy, January 2007, as amended from time to time, issued by the Director.

☒ Peace Officers under this Application are exempt from uniform and vehicle requirements while conducting plainclothes duties.

☐ Others as written below:

Date

Signature of Reviewer

Appendix F

Section 3 Peace Officer Application

Applicant Name (Last, First, Middle)	Date of Birth (yyyy-mm-dd)
--------------------------------------	----------------------------

Home Address

Authorized Employer

Name and Position of Designated Contact Person
--

Address	Telephone Number
---------	------------------

Are you a Canadian Citizen or lawfully entitled to work in Canada? ☐ Yes ☐ No

Are you currently a serving police officer in a Canadian Jurisdiction? ☐ Yes ☐ No

Training/Education

Have you received basic police officer training? ☐ Yes ☐ No

If so, provide name of agency and date of training.	Date
---	------

Please check which weapons you are applying for permission to carry.
(Note: Your Authorized Employer must be approved to issue these weapons in accordance with Regulations and Policy)

- ☐ Firearm(s)
- ☐ OC Spray
- ☐ Baton
- ☐ Conducted Energy Weapon
- ☐ Tear Gas

Please list training courses, course provider and dates of completion for weapons certification.
(Note: Training or recertification must be within 12 months of application for firearms and within 36 months for other weapons).

	Course	Provider	Date
1.			
2.			
3.			
4.			
5.			

Which Alberta Police Service or Government Ministry will you be working with while in Alberta?
Please indicate projected dates and locations for duties in Alberta.

Projected From Date	Projected To Date	Location

I declare that all information provided in this Application for Peace Officer Appointment is true and I understand that any false statements may result in the rejection of my application.

Date

Applicant Signature

Other attachments that **must** accompany this application:

- Color photo of applicant.
- Criminal Record and Criminal Activity Check completed by a police service.

Date

Signature of Designated Contact Person

For Public Security Division Use Only

Is the Application approved? ☐ Yes ☐ No

If yes: Training reviewed and qualifies for (Check One)

- ☐ Full Appointment
- ☐ Conditional Appointment (List conditions)

Conditions

Date

Signature of Reviewer

Appendix G

Example Authorization to Employ Peace Officers

AUTHORIZATION TO EMPLOY PEACE OFFICERS

Pursuant to Section 5 of the Peace Officer Act

I, Bill Meade, Assistant Deputy Minister/Director of Law Enforcement of the Public Security Division, Department of the Solicitor General and Public Security, for the Province of Alberta, hereby authorize the employment of peace officers by

<<Authorized Employer Name>>

Article 1. Authority

- 1.1 Peace officers employed by the <<Authorized Employer Name>> may, subject to their individual appointments, have authority to lay informations on behalf of the Crown relating to offences under Federal and Provincial Statutes, the Criminal Code and Municipal Bylaws, as well as serving and executing court documents.
- 1.2 Subject to section 1.3, peace officers employed by the <<Authorized Employer Name>> may, subject to their individual appointments, have authority to enforce the following legislation and all regulations hereunder as amended from time to time, and serve court documents relating to:

THE ANIMAL PROTECTION ACT
THE DANGEROUS DOGS ACT
THE ENVIRONMENTAL PROTECTION AND ENHANCEMENT
ACT, PART 9, DIVISION 2
THE GAMING AND LIQUOR ACT
THE PROVINCIAL OFFENCES PROCEDURE ACT
THE STRAY ANIMALS ACT
THE TRAFFIC SAFETY ACT

- 1.3 The authorities granted herein are subject to the following restrictions:
 - a) Authority to enforce the *Gaming and Liquor Act* is restricted to sections 83, 84, 87, 89, 107 and 108.
 - b) Authority to enforce the *Gaming and Liquor Regulation* (AR 143/96) is restricted to section 87.1.

Article 2. Jurisdiction

- 2.1 The jurisdiction of peace officers employed by the <<Authorized Employer Name>> is, subject to their individual appointments, throughout the Province of Alberta, excluding one and two digit highways except as permitted in accordance with section 2.2.
- 2.2 Authority is granted on one and two digit highways within the urban confines of a municipality where the speed limit is 90 kilometers per hour or less.
- 2.3 Authority may be granted on one and two digit highways as follows:
- a) With a written invitation by a police or law enforcement agency with authority on that highway for the purpose of participation in a Joint Enforcement Operation.
 - b) When requested by a police or law enforcement agency with authority on that highway to perform traffic management duties but not including enforcement authorities.
 - c) Where permitted by the terms of the peace officer's appointment, for the purpose of performing emergency vehicle response, but not including enforcement authorities.
- 2.4 The jurisdiction of peace officers in Alberta is at all times subject to requirements set out in the Public Security Peace Officer Program Policy, January 2007 (amended February 2012), and as may be further amended from time to time, as issued by the Director of Law Enforcement.
- 2.5 This authorization does not include jurisdiction on an Indian Reserve.

Article 3. Weapons and Equipment

- 3.1 Peace officers employed by the <<Authorized Employer Name>> may, subject to their individual appointments, be authorized to carry and use certain weapons and equipment while in the performance of their authorized duties which may include, but are not limited to, one or more of the following:
- a) OC Spray as defined in section 4(1)(a) of the *Peace Officer Regulation*, as amended from time to time;
 - b) A baton as defined in section 4(1)(b) of the *Peace Officer Regulation*, as amended from time to time;
 - c) Emergency response units, as defined in the regulations under the *Traffic Safety Act*, as amended from time to time, used by the peace officer for the purpose of carrying out the duties of a peace officer;
 - d) Handcuffs;
 - e) Personal protective equipment including a bullet resistant vest, a stab resistant vest or protective gloves, but not including SAP gloves or similar gloves;

- f) Particular equipment necessary to carry out the enforcement duties and responsibilities of the peace officer; and
- g) Tools and items necessary for the performance of the peace officer's duties and responsibilities.

Article 4. Terms and Conditions

- 4.1 The authorized employer must abide by Public Security Peace Officer Program Policy, January 2007 (amended February 2012), and as may be further amended from time to time, as issued by the Director of Law Enforcement.
- 4.2 Peace officers designated under the auspices of this Authorization are exempt from section 18 of the *Peace Officer (Ministerial) Regulation* relating to uniforms while performing plainclothes duties in relation to the <<Authorized Employer Bylaw>>. Plainclothes peace officers operating under this exemption may not take enforcement action except in the presence of a uniformed peace officer.

DATED at the City of Edmonton, in the Province of Alberta, this 9th day of September, A.D. 2011.

ASSISTANT DEPUTY MINISTER/DIRECTOR OF
LAW ENFORCEMENT OF THE PUBLIC
SECURITY DIVISION, DEPARTMENT OF THE
SOLICITOR GENERAL AND PUBLIC SECURITY

Appendix H

Example Peace Officer Appointment

PEACE OFFICER APPOINTMENT

Pursuant to Section 7 of the Peace Officer Act

I, Bill Meade, Assistant Deputy Minister/Director of Law Enforcement of the Public Security Division, Department of the Solicitor General and Public Security, for the Province of Alberta, hereby appoint

FirstName MiddleName LASTNAME

a PEACE OFFICER as detailed below:

Article 1. Authority, Responsibility and Duties

- 1.1 Subject to section 1.2, the person appointed under this document has the authority, while employed by the <<Authorized Employer Name>> and while acting within the scope of his/her employment, to enforce the following legislation and all regulations thereunder, and serve court documents relating to:

THE ANIMAL PROTECTION ACT
 THE DANGEROUS DOGS ACT
 THE ENVIRONMENTAL PROTECTION AND ENHANCEMENT
 ACT, PART 9, DIVISION 2
 THE FOREST AND PRAIRIE PROTECTION ACT
 THE FUEL TAX ACT
 THE GAMING AND LIQUOR ACT
 THE HIGHWAYS DEVELOPMENT AND PROTECTION ACT
 THE LINE FENCE ACT
 THE PETTY TRESPASS ACT
 THE PREVENTION OF YOUTH TOBACCO USE ACT
 THE PROVINCIAL OFFENCES PROCEDURE ACT
 THE STRAY ANIMALS ACT
 THE TRAFFIC SAFETY ACT
 THE TRESPASS TO PREMISES ACT

- 1.2 The authorities granted herein are subject to the following restrictions:
- a) Authority to enforce the *Forest and Prairie Protection Act* is restricted to section 18, 19, and 22 and does not include authority within a Forest Protection Area.
 - b) Authority to enforce the *Gaming and Liquor Act* is restricted to sections 83, 84, 87, 89, 107, 108; and section 115 subject to section 53 of the *Police Act*.
 - c) Authority to enforce the *Gaming and Liquor Regulation* (AR 143/96) is restricted to section 87.1.
 - d) Authority to enforce the *Highways Development and Protection Act* is restricted to local roads only.

Article 2. Jurisdiction

- 2.1 The jurisdiction of peace officers employed by <<Authorized Employer Name>> is, subject to their individual appointments, throughout the Province of Alberta, excluding one and two digit highways except as permitted in accordance with section 2.2.
- 2.2 Authority is granted on one and two digit highways within the urban confines of a municipality where the speed limit is 90 kilometers per hour or less.
- 2.3 Authority may be granted on one and two digit highways as follows:
- a) With a written invitation by a police or law enforcement agency with authority on that highway for the purpose of participation in a Joint Enforcement Operation.
 - b) When requested by a police or law enforcement agency with authority on that highway to perform traffic management duties but not including enforcement authorities.
 - c) Where permitted by the terms of the peace officer's appointment, for the purpose of performing emergency vehicle response, but not including enforcement authorities.
- 2.4 The jurisdiction of peace officers in Alberta is at all times subject to requirements set out in the Public Security Peace Officer Program Policy, January 2007 (amended February 2012), and as may be further amended from time to time, as issued by the Director of Law Enforcement.
- 2.5 This authorization does not include jurisdiction on an Indian Reserve.

Article 3. Weapons and Equipment

- 3.1 This appointment permits the carrying or use of the following while in the performance of their duties as set out above:
- a) OC Spray as defined in section 4(1)(a) of the *Peace Officer Regulations*, as amended from time to time;
 - b) A baton as defined in section 4(1)(b) of the *Peace Officer Regulations*, as amended from time to time;
 - c) Emergency response units, as defined in the regulations under the *Traffic Safety Act*, as amended from time to time, used by the peace officer for the purpose of carrying out the duties of a peace officer;
 - d) Handcuffs;
 - e) Personal protective equipment including a bullet resistant vest, a stab resistant vest or protective gloves, but not including SAP gloves or similar gloves;

- f) Particular equipment necessary to carry out the enforcement duties and responsibilities of the peace officer; and
- g) Tools and items necessary for the performance of the peace officer's duties and responsibilities.

Article 4. Title

- 4.1 The Peace Officer may utilize the title of Peace Officer or Community Peace Officer while carrying out the authority, responsibilities and duties of this appointment.

Article 5. Terms and Conditions

- 5.1 This appointment expires upon termination of employment with the <<Authorized Employer Name>>.
- 5.2 The peace officer is permitted to exercise the duties specified in section 24.13 of the Public Security Peace Officer Program Policy, January 2007 (amended February 2012) and as may be further amended from time to time, as issued by the Director of Law Enforcement.
- 5.3 The peace officer must abide by Public Security Peace Officer Program Policy, January 2007 (amended February 2012) and as may be further amended from time to time, as issued by the Director of Law Enforcement.

DATED at the City of Edmonton, in the Province of Alberta, this 11th day of January, A.D. 2012.

ASSISTANT DEPUTY MINISTER/DIRECTOR OF
LAW ENFORCEMENT OF THE PUBLIC
SECURITY DIVISION, DEPARTMENT OF THE
SOLICITOR GENERAL AND PUBLIC SECURITY

Appendix I
Section 13 order example (pending development)

Appendix J

Traffic Safety Plan Example

TRAFFIC SAFETY PLAN EXAMPLE

The intent behind a traffic safety plan is to bring awareness to the authorized employer of the major contributors to motor vehicle deaths and serious injuries and to focus traffic enforcement efforts towards a reduction of such collisions. It is anticipated that targeted use of peace officer resources focused on statistical areas of concern will enhance peace officer ability to have a positive effect in traffic safety in their community.

The creation and revision of the traffic safety plan every two years will reduce public criticism that peace officer enforcement is perceived as revenue driven, without regard for having a constructive impact on the community.

Please find attached a template to be utilized for the completion of a traffic safety plan. There are six main goals that have to be addressed in order for the plan to be considered complete. To assist with the completion of the plan, a "sample" for the fictitious Town of Westchester or fictitious County of Westchester is included.

Once the agency's plan has been prepared it should be presented to your local police service for forwarding to their respective traffic unit. Upon review and acceptance, the police agency will forward the plan to the Public Security Division and the peace officer agency will receive written confirmation to that effect.

Strategic goals

Overview: Identify the communities and/or main arterial roadways within agency jurisdiction – numbered highways and busy county roads by name. Provide an indication of what portion of peace officer duties are dedicated to traffic enforcement.

Obtain a synopsis of the local police service's traffic safety plan from the local police. The synopsis will identify areas of concern that are the major contributors to death and serious injury in the jurisdictional area. The plan may, in some cases, identify locations, which are prone to fatal and serious injury collisions.

Based on information provided, identify what educational programs can be delivered addressing issues within the scope of peace officer authority. Identify opportunities to work within schools or the community in delivering these programs.

Utilize the synopsis to identify those aspects of traffic enforcement, which fall within agency mandate (appointment/authorization). Identify peak periods and, if identified, locations to be targeted. This may also include school zones, playground zones or other high profile locations that the employer has identified as a priority.

Determine and identify what enforcement and educational efforts will be contributed towards reducing the fatal and serious injury collisions by the agency.

Keep statistical records of enforcement and educational efforts in the areas identified as the major causes of death and serious injury (i.e., adult seat belt charges, child passenger charges, stop sign infractions, traffic light infractions, intersection infractions, speeding infractions and others.)

TRAFFIC SAFETY PLAN

Town of Westchester, AB

The Town of Westchester has six peace officers. Duties include local bylaw enforcement, land use, parking control and animal control issues. It is estimated that 20 per cent of working hours are dedicated to moving traffic enforcement within the town limits.

The Town of Westchester has primary highway #99 running through it. Additionally, the town's population of 1,900 is spread over a town site consisting of 10 km of local roads, which include residential, three school zones, four playground zones, a business district and a downtown which borders Highway #99 (known as King Street). Primary highway # 321 enters the town site from the south and is known as Parland Ave.

Traffic plan:

Fatal/serious injury crashes

1997 – 38

1998 – 26

1999 - 44

2000 – 19

2001 – 26

Property damage collisions

1997 – 120

1998 – 165

1999 – 143

2000 – 139

2001 – 180

Injury collisions – Primary contributing factor within mandate of peace officers

Intersection related – 126

No seat belt – 88

No child passenger restraint – 39

Driver experience -- 43

Weather related – 39

Following too closely – 37

Too fast/speed -- 12

The statistical data indicates that the majority of collisions occur at intersections – uncontrolled, yield sign, stop sign and red light controlled. There is no one intersection that stands out as a problem location, but seems to reflect an overall disregard for intersection safety and/or control devices.

Peace officers in Westchester will participate with the local police service in delivering all seat belt educational awareness programs during the school year, from September to June. Additionally, peace officers will conduct a yearly bike rodeo with the local school division to enhance the safety of students who use bikes.

The data indicates that Monday mornings (0600-0900) have the highest incidence of collisions, followed by Friday afternoons (1500-1900) and Saturday afternoons (1300-1600). The data reveals that traffic issues fall off after 1900 hrs through the week and 2300 hrs on weekends.

The town has three school zones in effect from 0800-0930, 1200-1330 and 1500-1630hrs Monday through Friday. The playground zones are in effect from 0800-2000hrs daily, though in winter times children are rarely in the parks past 1700hrs except for Baker Park which has a skating rink open to the public until 2100 hrs. Of the playground and school zones, the elementary school and high school have

been identified as priorities in that order. It has been determined that a dedicated presence during arrival and departure times has a positive calming effect on driver behaviour. These times would be 0815-0845 and 1520-1545 hrs during the September – June period.

Low seat belt wear rates for both adults and children are a high contributing factor to injury collisions.

To address the identified contributing factors and other high risk locations traffic enforcement efforts will be directed towards the following:

- a) Monday through Friday – patrols will target commuter traffic from start of shift at 0700 until 0900 with patrols into the elementary school area between 0815 and 0845. Morning patrol to include foot patrols to check vehicles for adult and child seat belt infractions. Shift schedule to be amended to reflect 0700-1500hr, 0800-1600 and 1200-2000hrs rotated on a regular schedule. When working the two early shifts, traffic enforcement to be conducted as indicated. The later afternoon shift will see traffic patrols through high school area and playground zones at lunch hours and from 1515-1600hrs. As time and duties permit attention will be focused on intersection safety enforcement targeting stop sign infractions, red light infractions and seat belts.
- b) Weekend shifts will concentrate on the business district during the early afternoon hours of Saturdays for intersection and seatbelt violations when duties permit. Periodic patrols of the playground zones will be included.
- c) Awareness of intersection and seatbelt violations will be conducted while attending to other duties as directed by the mandate of the town. Awareness that public driven complaints of problem locations may require targeted efforts.

It is recognized that education and awareness are important components of traffic safety enforcement. Cooperation with the local media to highlight patrols in the school zones and the increased vigilance for seat belt violations will occur.

Enforcement efforts will be recorded by offence for seatbelts and intersections on a daily basis for comparison to yearend statistical data impacting on the Vision 2010 goals to determine effectiveness.

Appendix K

Incident Report

Solicitor General and Public Security

☐ **New Report**

☐ **Follow Up**

This report refers to one incident only.

For Solicitor General and Public Security Use Only	
Received:	
POSP File No.	
Employer File No.	

Type of Complaint				
Type of Complaint (Employer Initiated, Public Complaint or Reportable)			Type of Incident (ie. Assault, Code of Conduct, Excessive Force, Use of Baton, etc)	
Employer File Number	Complainant Last Name(s) (if applicable)	First Name(s)	Middle Name(s)	Sex: <input type="checkbox"/> M <input type="checkbox"/> F
Street Address		City/Town	Province	Postal Code
Location of Incident		Date of Incident (mm/dd/yyyy)	Time of Incident (HH:MM am/pm)	

Peace Officer: Last Name(s)	First	Middle	Sex:	Date of Birth (mm/dd/yyyy)	Date hired by agency (mm/dd/yyyy)	Appt/Badge No.
			<input type="checkbox"/> M <input type="checkbox"/> F			
			<input type="checkbox"/> M <input type="checkbox"/> F			
			<input type="checkbox"/> M <input type="checkbox"/> F			

Authorized Employer	Division	Unit	Phone Number (with area code)	
Street Address		City/Town	Province	Postal Code
Person submitting Incident Report		Phone Number (with area code)		
Authorized Employer Contact Person		Street Address if different from above		
City/Town	Province	Postal Code	Phone Number (with area code)	

For Solicitor General and Public Security Use Only - Do not Complete	
Investigator Assigned:	Date Assigned: (mm/dd/yyyy)
Date Entered on IAPRO: (mm/dd/yyyy)	Signature:

Event (choose all that apply)

Reporting Time Limit

- | | |
|--|-------------|
| <input type="checkbox"/> Use of a firearm discharged at a person or accidental discharge. (does not include use on an animal) | Immediately |
| <input type="checkbox"/> Peace Officer involved in serious injury or death of a person | Immediately |
| <input type="checkbox"/> Complaint of excessive force (public or internal) | Immediately |
| <input type="checkbox"/> Peace Officer involved where weapon was used by another person | Immediately |
| <input type="checkbox"/> Peace Officer involved in serious/sensitive matter | Immediately |
| <input type="checkbox"/> Charge or arrest of Peace Officer under the Criminal Code, the <i>Controlled Drugs and Substances Act</i> or any other enactment of Canada on or off duty | Immediately |
| <input type="checkbox"/> Charge or arrest of a Peace Officer under an enactment of Alberta on or off duty (if serious... see policy) | Immediately |

- | | |
|--|-----------------|
| <input type="checkbox"/> Peace Officer found to have violated the employer's code of conduct | Immediately |
| <input type="checkbox"/> Suspension or termination of a Peace Officer | Immediately |
| <input type="checkbox"/> 'Founded' Authorized Employer investigation initiated under section 16 POA (not captured above) | Immediately |
| <input type="checkbox"/> Use of baton | 2 business days |
| <input type="checkbox"/> Use of OC spray | 2 business days |
| <input type="checkbox"/> Use of Conducted Energy Weapon/tear gas | 2 business days |
| <input type="checkbox"/> Use of other weapon as detailed in policy | 2 business days |
| <input type="checkbox"/> Loss of Peace Officer Identification Card (police report file number required) | 24 Hours |
| <input type="checkbox"/> Public Complaint about a Peace Officer (not captured above) | 1 month |
| <input type="checkbox"/> Other report (specify) _____ | 1 month |
| <input type="checkbox"/> This is a disposition of a current or previous investigation or incident (one of the following must be checked) | 1 month |
| <input type="checkbox"/> complaint dismissed, not investigated, discontinued or resolved informally | |
| <input type="checkbox"/> complaint dismissed as frivolous, vexatious or made in bad faith | |
| <input type="checkbox"/> complaint is unfounded | |
| <input type="checkbox"/> complaint is unsubstantiated | |
| <input type="checkbox"/> complaint is found to have merit in whole or in part | |
| <input type="checkbox"/> This is an update to an ongoing investigation as required by the Act | 45 days |

Provide details of reported incident, including the following if applicable:

- Copy of occurrence report if significantly completed.
- Is the Authorized Employer initiating an investigation?
- Have improper/excessive use of force allegations been reported to the police agency of jurisdiction?
- Peace Officer's status during investigation (i.e. suspended, working, etc.)

If this is a follow up report:

- Include Employer file number for cross-referencing
- Complainant's information as identified on Page 1
- Peace Officer(s) information as identified on Page 1
- Describe progress made on investigation since the last report.
- Describe expected duration of investigation.
- If concluded, what is the disposition of the investigation in accordance with section 22(1) of the Peace Officer Ministerial Regulation?
- If complaint is found to have merit in whole or in part, what action was taken?
- Was the complainant advised in writing of their right to appeal the decision of the Authorized Employer to the Director of Law Enforcement?

Details:

Employer File No. _____

Attachments:

To be completed by the individual submitting report

Print Name

Signature

Date

This form can be faxed, mailed or emailed to:

Public Complaints Coordinator
Public Security Peace Officer Program
10th floor, 10365-97 Street
Edmonton AB T5J 3W7

Fax: 780-427-4670
POProgram@gov.ab.ca

Appendix L

Request for Temporary Expansion of Jurisdiction

Inviting Agency	
Contact Person	Telephone Number
Address	

Signature of Contact Person

Purpose: (Location(s) and Dates of Event(s))

Accepting Agency	
Contact Person	Telephone Number
Address	

Signature of Contact Person

This Authorization applies only to the following Peace Officers:

It is understood that _____
will assume liability for the actions of their Peace Officers during the event(s) requested above and
that _____
will maintain insurance for their peace officer(s) while deployed at the listed event(s).

Signature of Accepting Agency Contact Person

Appendix M

Authority for Temporary Expansion of Jurisdiction

Authorization for Temporary Expansion of Jurisdiction

Pursuant to Section 8(1) of the Peace Officer (Ministerial) Regulations

Accepting Agency:

Purpose:

Authorization is hereby extended to the following jurisdictions and dates for the purpose noted above:

This Authorization applies only to the following Peace Officers:

It is understood that _____

assumes liability for the actions of its Peace Officers during this operation and does not in any way expand the authority of the Peace Officer(s) beyond those statutes listed on the individual Peace Officer Appointments.

This document should be retained on file for evidentiary purposes.

Assistant Deputy Minister/Director of Law Enforcement of the
Public Security Division
Department of the Solicitor General and Public Security

Appendix N

Not In Use – Intentionally Blank

Appendix O

Multiple Peace Officer Designation Letter Example

To whom it may concern:

It is my information that Ms. Anne Smith is employed with your agency and holds an appointment as peace officer.

Please be advised that Ms. Smith also holds a peace officer appointment with my agency, ABC Municipal Enforcement Services, and that her appointment is not transferable. She may not use any ABC Municipal Enforcement Services equipment or uniforms issued by us to perform her duties with your agency and the reverse is applicable and recognized.

Ms. Smith must be made aware that her appointment with your agency is only in force and effect while working directly for your agency and can not be used while working for ABC Municipal Enforcement Services. We will only assume liability for Ms. Smith while she is working for our agency.

Sincerely,

Mr. John Doe
Manager
ABC Municipal Enforcement Services

cc: Ms. Anne Smith

Appendix P

Example Shared Services Agreement

NOT A LEGAL DOCUMENT, PROVIDED FOR INFORMATION ONLY.

This Agreement made this_ day of 2007.

Between:

Town of Westchester

A Municipal Corporation in the Province of Alberta,

OF THE FIRST PART

AND

Town of Otley

A Municipal Corporation in the Province of Alberta,

OF THE SECOND PART

WHEREAS, Towns of Westchester and Otley employ Peace Officers, and

WHEREAS, the towns are desirous of establishing an agreement to share Peace Officer services for the purpose of conducting joint traffic operations in line with Road Safety Vision 2010 by working together, providing assistance to each other, and for the safety of Peace Officers in both municipalities, and

WHEREAS, Road Safety Vision 2010 is a national traffic safety initiative to decrease the average number of road users killed or seriously injured by the year 2010 by focusing education and enforcement initiatives on increased seat belt and child restraint use, speed and intersection-related crashes, and

WHEREAS, both municipalities will seek from the Alberta Solicitor General and Public Security the appointment of the peace officers thus having jurisdiction for the appointed statutes within both municipalities, and

WHEREAS, the Peace Officer Act, R.S.A 2007, being Chapter P-3.5, requires that an agreement be entered into between both municipalities.

NOW THEREFORE, this agreement witnesses that in consideration of the terms and conditions contained in this agreement, the towns set out as follows:

1. The purpose of this agreement shall be to allow Peace Officers of both towns to assist other in the performance of their duties by working together with the intent of achieving the objectives of Road Safety Vision 2010;
2. Both municipalities shall be liable for all costs and actions of their Peace Officers while they are assisting the Peace Officers employed by the other including, but not limited to, office supplies, equipment, training and education, uniforms, travel, employee salaries, benefits and disciplinary proceedings;
3. Each municipality shall maintain general liability insurance coverage covering the Peace Officer Services provided under this agreement;
4. Both municipalities acknowledge that any complaint received with respect to the provision of Peace Officers Services by Peace Officers pursuant to this agreement shall be immediately forwarded to the respective person designated to receive such complaints pursuant to the disciplinary policies in place for the department;
5. Each municipality agrees to indemnify and save harmless the other municipality (or their agents, servants, officers, elected officials or employees) with respect to any claim, action, suit, proceeding or demand including those related to negligence, made or brought against the municipality (or any of them, their agents, servants, officers, elected officials, or employees) by the third party with respect to

any occurrence, incident, accident or happening relating to the provisions of Peace Officer Services pursuant to this agreement, excepting any occurrence, incident, accident involving negligence or intentional torts by each municipality (or their agents, servants, elected officials or employees);

6. Each municipality agrees to share radio frequencies by allowing the other municipality to transmit and receive on their frequency.
7. For the purposes of this agreement, the term "department of jurisdiction" shall mean the municipality whose corporate boundaries encompass the joint operation.
8. When Peace Officers encounter a situation requiring enforcement in the other municipality:
 - a. The Peace Officer will immediately notify the department of jurisdiction
 - b. The Peace Officer will conduct the investigation in accordance with direction of the department having jurisdiction;
9. In the event a complaint or request for an investigation is received from another agency, the Peace Officer shall ensure the department of jurisdiction has been notified and no action will take place until the procedure outlined in Section 4 of this agreement is followed.
10. When a peace officer is assisting the department of jurisdiction, the officer in charge shall be the most senior officer from that department.
11. Any fines generated through enforcement shall be forwarded to the municipality of jurisdiction.
12. If the Authorization to Employ Peace Officers for either municipality is terminated by the Alberta Solicitor General and Public Security, then this agreement will similarly be immediately terminated;
13. This agreement may be reviewed periodically;
14. Notwithstanding Section 12 of this agreement, any party may terminate or suspend this agreement without cause by providing written notice to the other parties; and
15. If any municipality terminates this agreement, the Alberta Solicitor General and Public Security office will be immediately advised of this termination and instructed to amend the Peace Officer appointments by removing the other municipality's jurisdiction.

NOT A LEGAL DOCUMENT, PROVIDED FOR INFORMATION ONLY.

Any municipalities that choose to enter into a Shared Services Agreement are encouraged to utilize legal counsel in drafting a document meeting local needs.

Appendix Q

Example Public Complaint Finding Letter

Dear Mr. Smith:
Re: Peace officer complaint

I have completed the investigation of your complaint as follows:

Background:

- December 28, 2005, this office received a faxed copy of a complaint made against peace officer 1.
- December 30, 2005 correspondence was sent to you acknowledging the letter of complaint dated December 20, 2005. I also requested clarification on a number of issues raised in your December 20, 2005 letter.
- January 3, 2006, I obtained a statement from peace officer 1 in response to the allegations listed in your letter of December 20, 2005.
- I have reviewed a file held by this agency in regards to the investigation that lead to charges under the *Environmental Protection and Enhancement Act*, herein after referred to as 'the Act'.
- January 27, 2006, I contacted you and clarified further elements of your complaint. At that time you indicated that your legal matter pertaining to charges under the Act were still before the court.

Details of complaint:

In response to the information provided I have broken your concerns down into the following allegations:

- 1) Information regarding your charge under the Act was improperly passed to Mr. X and Y.
- 2) That you were interviewed about the charge you now face in the presence of another person and you felt that was a violation of your privacy.
- 3) Peace officer 1 used excessive force in placing you in the patrol car after you were arrested on an outstanding warrant.

Findings:

- 1) Mr. Y was the person who made the initial complaint about a breach of the Act. An investigation was conducted into those allegations and Mr. Y has been listed as a witness for the Crown. Accordingly, he was advised of the results of the investigation and notified that court proceedings may follow. I will also add that once information has been sworn it is within the public domain. I am unable to locate any other information showing that peace officer 1 improperly notified Mr. X or any others person of your charges.

Based on these factors I find this allegation to be unfounded as it relates to Mr. Y and unsubstantiated as it relates to Mr. X.

- 2) The October 13, 2005 meeting between yourself, Mr. Y, and peace officer 1 was structured to bring the involved parties together and to gather information. From a review of the statement provided by Mr. Y the meeting was one of awareness and information. I find that the process utilized by peace officer 1 was in the best interests of all parties involved and provided an opportunity for open lines of communication. The information concerning the October 13, 2005 meeting was

included in the package to the Crown as part of the legal requirement for disclosure.

I therefore find this allegation is unfounded.

- 3) At the conclusion of the October 13, 2006 meeting it was discovered that you had an outstanding warrant under the Act. Peace officer 1 was obligated to execute that warrant and placed you under arrest. Statements provided by Mr. Y and yourself indicate that you provided verbal resistance, was handcuffed and thrown head first into the patrol car. A statement from peace officer 1 states that the force used was in proportion to the threat you presented at that time. All statements reflect that no injuries were sustained.

Our investigation determined that a local town employee was passing by, Mrs. Z, and she provided a statement supporting your versions of events in that the level of force used was not in proportion to your actions.

This element of the complaint is found to have merit in whole.

Conclusion:

In accordance with Town of Otley disciplinary policies I have issued a verbal reprimand to peace officer 1. I have further scheduled him to retake a 40-hour use of force course so that he may be fully aware of the appropriate level of force that can be used in the different circumstances faced by peace officers during the execution of their duties.

PLEASE BE ADVISED YOU HAVE THE RIGHT TO APPEAL THESE FINDINGS TO THE DIRECTOR OF LAW ENFORCEMENT FOR THE PROVINCE OF ALBERTA PURSUANT TO SECTION 15(4) OF THE *PEACE OFFICER ACT*. AN APPEAL MUST BE IN WRITING AND INITIATED WITHIN 30 DAYS OF RECEIPT OF THIS DECISION AND ANY DECISION REACHED BY THE DIRECTOR OF LAW ENFORCEMENT ON APPEAL IS FINAL.

Correspondence to the Director of Law Enforcement must be sent to:

Director of Law Enforcement
10th Floor, 10365 - 97 Street
Edmonton, Alberta T5J 3W7.

Sincerely,

(Person Conducting Investigation)

cc: Public Security Peace Officer Program Manager
10th Floor, 10365 - 97 Street
Edmonton, Alberta T5J 3W7

Appendix R

Suggested Firearms Policy

POLICY

Employees authorized to carry a firearm shall be issued a departmentally approved firearm.

STANDARDS

1. The firearm issue for an authorized employee is the Smith & Wesson Model 5946 or the Smith & Wesson Model 3953. (your model here)
2. Only authorized employer approved holsters and ammunition shall be utilized by authorized employees.
3. The firearms co-ordinator shall be responsible for ensuring firearm maintenance and repair program is in place and maintained.
4. When a firearm is found to be defective, the employee shall immediately report the defect and return the firearm to a firearms instructor.
5. The firearms coordinator shall maintain a record of maintenance and required repairs on all firearms.
6. The firearms coordinator and the firearms instructors shall be the only individuals authorized to complete minor repairs or grip changes as necessary.

PROCEDURES

1. A peace officer authorized to carry a firearm:
 - A. Completes a maintenance check as outlined in the firearms training manual, prior to loading their firearm at the beginning of their shift;
 - B. Maintains a clean firearm;
 - C. Does Not tamper or attempt to adjust or repair their firearm in any way; and
 - D. Unloads all magazines at the end of their last shift weekly.
2. The supervisor and/or firearms instructor:
 - A. On an impromptu basis, monitor all firearms to ensure their cleanliness and safety; and
 - B. Ensure employees use only an approved firearm cleaning kit.
3. The firearms instructor:
 - A. Verifies that a firearm is in need of repair, and in detail notes the firearm malfunction on a work order and sends the firearm properly packaged (if necessary) to the firearms coordinator.
4. The firearms coordinator (after receiving a malfunctioning firearm):
 - A. Verifies the reasons that the firearm is malfunctioning and in detail notes them on the work order;
 - B. Sends the firearm and work order in an approved firearms shipping container, via an approved courier service, to (repair service provider here)
 - C. Maintains a firearms tracking system to track firearms sent to and received from the (service provider) and to track internal firearms transfers.

POLICY

Peace officers authorized to carry a firearm will carry only departmentally approved firearms while on duty.

STANDARDS

1. A peace officer's appointment permits him/her to be in possession of firearms only for the purpose of their duty or employment.
2. Employees with a peace officer appointment have the authority to carry firearms only in relation to their authorized duties.
3. Firearms will not be issued to employees until they have successfully completed the training program and received a peace officer appointment authorizing the carrying of a firearm.
4. Employees will not transport or remove their firearms from training venue during the training period
5. The firearms instructor is responsible for the care and control of all firearms used during the training
6. The authorized employer will be in compliance with the *Criminal Code of Canada* statutes concerning proper firearm storage.
7. Peace officers authorized to carry a firearm are responsible for the care, use and storage of their assigned firearm.
8. A supervisor is to maintain a log book of all firearms stored away from the worksite.
9. Peace officers authorized to carry a firearm must receive prior approval from a supervisor before removing their firearm from the worksite.
10. Depending upon assignment, all uniformed authorized employees shall carry a minimum of one (1) or a maximum of two (2) loaded magazines on the Sam Browne or garrison belt when carrying firearms.
11. Peace officers are not authorized to carry a personally owned firearm or transport a personally owned firearm to the worksite.
12. Any misuse or inappropriate handling of firearms may result in disciplinary action.

PROCEDURES

1. A peace officer approved to carry a firearm:
 - A. Removes the firearm from the secured gun facility only when required for duty or a authorized employer sanctioned event;
 - B. Loads a firearm in a safe manner, utilizing the loading/unloading station within the armoury, ensuring a round is racked into the chamber prior to beginning duties;
 - C. Ensures the magazine of the firearm is removed administratively prior to ejecting the round while utilizing the loading/unloading station within the armoury and the ejected round is secured at the end of shift;
 - D. Removes the magazine administratively prior to temporarily securing the firearm in any other secure lockup;
 - E. Ensures firearms are not stored in any receptacle other than a designated gun locker or a secure lockable container;
 - F. Ensures their firearm is secured with a trigger lock when utilizing a secure lockable container;
 - G. Obtains authorization from the supervisor to store a firearm away from the worksite for:
 - i) Duty-sanctioned events, such as operational requirements;
 - ii) Authorized employer sanctioned events such as voluntary practice/competition shoots at a recognized range
2. The firearms instructor:
 - A. Only permits employees undergoing firearms certification training to take firearms to their permanent or temporary residence; and
 - B. Enters in the log book the number of firearms removed from the worksite, the purpose for removal, to whom they are assigned, the expected date of return, and informs the supervisor.
3. The supervisor:
 - A. Under the authorization of the authorized employer approves the removal of the firearm from the worksite and maintain a log book of all firearms stored off the worksite for duty or authorized employer sanctioned events.

POLICY

The authorized employer shall have a firearms training coordinator who will ensure a standardized firearms training program is developed and delivered to identified employees.

STANDARDS

1. The authorized employer shall have sufficient personnel qualified in firearms instruction to ensure all authorized employees are properly trained in the handling and use of firearms.
2. The firearms training coordinator and identified employees shall be trained as fully qualified firearms instructors.
3. All employees shall follow the direction of the firearms instructor while at the range and in the classroom.
4. The supervisor and firearms training coordinator shall work together to ensure the firearms program is presented in a consistent manner and updated as necessary.

PROCEDURES

1. The firearms training coordinator:
 - A. Ensures a standardized firearms training program is fully operational and has a sufficient number of trained firearms instructors;
 - B. Maintains accurate firearms program records;
 - C. Receives and records employee training results from the firearms instructors;
 - D. Receives and arranges for the repair of malfunctioning
 - E. Maintains a record of all maintenance and repairs on special firearms
 - F. Provides assistance to the shooting team members as requested by the shooting team captains
2. The firearms instructor(s):
 - A. Trains all authorized employees in the handling and use of the approved firearm, using the approved course of fire;
 - B. Qualifies all authorized employees after the completion of their firearms training for proficiency;
 - C. Ensures all authorized employees participate in one annual qualifying shoot;
 - D. Ensures the student/instructor ration is no more than four-to-one (4:1) on the firing line;
 - E. Is in command of the firing line and the range at all times during authorized shoots;
 - F. Is responsible for the care and control of all firearms used during the recruit training period;
 - G. Ensures all safety and security procedures are strictly adhered to at all times during range exercises;
 - H. Practices shooting fundamentals on a monthly basis as operational requirements allow;
 - I. Reports all training results to the firearms co-coordinator;
 - J. Is responsible for but not limited to, the following tasks:
 - i) All minor firearm adjustments,
 - ii) Grip changes, as necessary,
 - iii) Instruction in care, cleaning and use of the firearm,
 - iv) Firearm issue to and orientation of new authorized employees,
 - v) Ammunition issue and safety equipment,
 - vi) Range orientation and discipline,
 - vii) Target analysis, coaching and target scoring,
 - viii) Remedial training as required,
 - ix) Supervising range cleanup; and
 - K. Maintains a log book of all authorized employees who have been issued their yearly 120 rounds of allotted practice ammunition.

POLICY

All peace officers authorized to carry a firearm will be trained and certified in the handling and use of firearms and are required to qualify in the handling and use of firearms and re-qualify on a yearly basis.

STANDARDS

1. All peace officers authorized to carry a firearm shall be required to qualify yearly with a minimum firearm proficiency level as established by the authorized employer and approved by the DLE.
2. All peace officers authorized to carry a firearm who do not meet the minimum proficiency level on any stage of the approved course of fire will be required to re-shoot the particular stage or stages in order to qualify.
3. The supervisor of a venue where an employee fails to qualify will be notified and a detailed report submitted for consideration.
4. All peace officers authorized to carry a firearm shall be allotted 120 rounds of practice ammunition per year for voluntary training. A firearms instructor may authorize additional rounds when necessary.
5. All peace officers authorized to carry a firearm shall shoot qualifying rounds with duty ammunition.
6. All peace officers authorized to carry a firearm that need the assistance of prescription or nonprescription glasses in order to meet firearms qualifications standards will be required to wear the glasses for all work-related duties requiring the carrying of a firearm.

PROCEDURES

1. New peace officers unable to qualify at completion of firearms training:
 - A. Receive remedial training from a firearms instructor;
 - B. Re-shoot a second qualifier as soon as an approved range is available;
 - C. Receive further remedial training from a firearms instructor if necessary; and
 - D. Re-shoot a third qualifier as soon as an approved range is available.
2. Peace officers authorized to carry a firearm and unable to qualify on the day of their firearm requalification:
 - A. Receive remedial training from a firearms instructor;
 - B. Practice dry-firing techniques;
 - C. Practice shooting skills at a recognized range;
 - D. Re-qualify within a two week period commencing from the original re-qualification date;
 - E. Receive further remedial training from an alternate firearms instructor if unable to qualify within the two-week time frame, including practicing dry-firing techniques and shooting skills at a recognized range; and
 - F. Re-qualify within a two week period, commencing from the end of the first two week period.
3. The firearms instructor:
 - A. Provides remedial training consisting of coaching the authorized employee and re-shooting the stage or stages required to qualify, in the event an authorized employee does not qualify;
 - B. Determines if another re-shoot should be completed or the authorized employee should be rescheduled for further remedial training and re-shoot; and
 - C. Advises the firearms coordinator and the Director/manager/branch training manager when an authorized employee is unable to qualify.
4. The supervisor:
 - A. Notifies the Director/manager when an authorized employee or recruit is unable to qualify after exhausting all qualification attempts; and
 - B. Facilitates access to a firearms instructor and range time for authorized employees or recruits requiring remedial training.
5. The authorized employer:
 - A. Assesses each instance where an employee authorized to carry a firearm or recruit is unable to qualify after the described remedial training and time period, and determine on an individual basis if further remedial training is warranted;
 - B. Advises the Public Security Division immediately if remedial training is unsuccessful.

POLICY

A Branch employee authorized to carry a firearm may draw and/or discharge the firearm in the situations outlined in this policy.

STANDARDS

1. Duty-related uses of the firearm are as follows:
 - A. Authorized firearms recruit training and annual firearms re-qualification,
 - B. To protect life or prevent grievous bodily harm, and
 - C. To dispose of badly injured domestic or wild animals during the course of duty.
2. Authorized employer sanctioned uses of the firearm are as follows:
 - A. Practice shoots sanctioned and held at a recognized shooting range, and
 - B. An organized shooting competition held at a recognized shooting range.
3. In the event of an unauthorized discharge of a firearm by a peace officer authorized to carry a firearm, the supervisor will conduct a complete investigation.

PROCEDURES

1. A peace officer authorized to carry a firearm:
 - A. Ensures their firearm is not drawn and/or discharged at a person except to:
 - i) Protect themselves or others from imminent death or grievous bodily harm; and
 - ii) Prevent the commission of a serious criminal offence that is reasonably likely to cause death or grievous bodily harm.
 - B. Ensures all the following conditions are met before drawing and/or discharging a firearm in a situation outlined above:
 - i) Reasonable steps have been taken to identify him/herself as a peace officer;
 - ii) The subject has been ordered to stop;
 - iii) Determined all other reasonable means of a less-violent nature are not available, e.g., immediate police backup or civilian assistance; and
 - iv) Determined there is no likelihood of injury or death to any other person.
 - C. Ensures a firearm is not used to fire:
 - i) A warning shot;
 - ii) At any moving vehicle.
 - D. Ensures the area is secured and medical aid and backup are summoned, as needed, in instances of where death, injury and/or property damage result from the discharge of a firearm;
 - E. Understands they have a right to consult legal counsel in circumstances where they have discharged their firearm at a person which may have resulted in injury or death;
 - F. Understands they will be provided counselling, if they so desire; and
 - G. Ensures a detailed incident report is compiled as soon as possible after a firearm is drawn and/or discharged outlining:
 - i) The circumstances under which the firearm was drawn and/or discharged, and
 - ii) The rationale for the decision to draw and/or discharge the firearm.A report must also be sent to the Public Security Division immediately in cases where the firearm is discharged.
2. When a firearm is drawn and/or discharged the supervisor:
 - A. Reports to the area immediately, if appropriate;
 - B. Secures the immediate area;
 - C. Ensures the preservation of the scene and all spent rounds remain untouched;
 - D. Removes, secures and takes custody of the discharged firearm and all unspent rounds, and maintains the items for investigation;
 - E. Informs the peace officer involved in the incident of their right to consult legal counsel in circumstances where they have discharged their firearm at a person which may have resulted in injury or death;
 - F. Advises the peace officer involved in the incident that they will be provided counselling;
 - G. Re-deploys peace officers as required;
 - H. Advises the authorized employer of the incident and circumstances;

- I. Does not permit the peace officer(s) involved to be alone and implements the post-trauma action plan;
 - J. Ensures all required reports are completed and submitted to the authorized employer and Public Security Division or designate; and
 - K. Issues a replacement firearm to the involved employee(s) at the discretion of the authorized employer or designate.
3. When a firearm is drawn and/or discharged, the authorized employer:
- A. Ensures the police service of jurisdiction is notified;
 - B. Verbally or by fax notifies the Public Security Division;
 - C. Reports to the location and takes charge of the incident, if appropriate;
 - D. Conducts an on-site investigation;
 - E. Cooperates with any police investigation;
 - F. Returns the affected area to normal operations as soon as possible after the police have completed their investigation;
 - G. Conducts a debriefing of those involved as soon as possible;
 - H. Arranges for a counselling session to be held within 24-hours of the incident for the employee(s) involved for diagnostic and referral procedures;
 - I. Receives all completed and required reports from employee(s) involved including Worker's Compensation Board forms, if applicable.

Appendix S

Suggested OC Policy

POLICY

Peace Officers who have successfully completed the OC Spray training course are authorized to carry and use OC Spray while on duty if authority appears on their peace officer appointment.

STANDARDS

1. A peace officer's appointment authorizes him/her to be in possession of OC Spray only for the purpose of their duty or employment and does not extend to off-duty activities.
2. When OC Spray has been deployed and the subject(s) has been brought under control, decontamination procedures will be commenced as soon as practical.
3. OC Spray shall only be carried by Peace Officers while on duty.
4. The Unit Supervisor or designate will maintain a current list of all Peace Officers who have completed the OC Spray course and are authorized to carry and use it.

PROCEDURES

1. A Peace Officer authorized to carry and use OC Spray:
 - A. Informs the Supervisor whenever possible prior to using OC Spray;
 - B. When a tactical advantage is not lost, advises the potential target(s) that OC Spray may be used if their behaviour remains uncontrollable;
 - C. Monitors the target(s) and seek medical assistance if the effects of the OC Spray persists after one (1) hour;
 - D. Submits an Incident Report to the Supervisor and to the Public Security Department on the approved form describing the incident and reasons for utilizing the OC Spray.

NOTE: This also includes any accidental OC spray discharges.

 - E. Ensure that when off-duty, the OC Spray is secured in a locked cabinet within the office. If a peace officer goes off shift at their residence, the OC spray must be secured within a locked cabinet.
2. The Supervisor:
 - A. Reports to the area, takes charge of the incident and approves the use of OC Spray, if necessary;
 - B. Ensures all targets affected by the OC Spray are taken to an area which is secure and removed from contamination and provides for decontamination;
 - C. Reviews, comments and submits the detailed Incident Report to the authorized employer.
 - D. Ensures all Peace Officers required to carry OC Spray are re-certified every 36 months (sooner if desired by the authorized employer).

Appendix T

Suggested Baton Policy

POLICY

Peace Officers, upon successful certification, may be issued an extendible baton and will be responsible for its care, use, and storage.

STANDARDS

1. All Peace Officers certified in the use of the baton will be required to wear a baton while on duty.
2. All Peace Officers certified in the use of the baton (including the department sanctioned Incident Management Intervention Model) will be re-certified within 36 months (or sooner if desired by authorized employer) by a qualified instructor.
3. The baton will be worn in the issue scabbard.
4. The baton will be deployed only in the prescribed manner, according to an Incident Management Intervention Model or approved Use of Force Model.
5. All Peace Officers will immediately report any incident in which the baton was used as a means of force to their Supervisor on an Incident Report Form and ensure the Public Security Division is notified.
6. Peace Officers who are carrying authorized batons:
 - A. Must check their baton on a weekly basis for the following:
 - i) Wear and tear on the foam grip,
 - ii) Bent shaft and stress fractures,
 - iii) Abrasions on the tip or a loose tip,
 - iv) Secure butt cap;
 - B. May make minor adjustments to the retaining clip and O-ring to ensure the proper opening and closing capabilities;
 - C. Report any defective baton requiring repair or replacement immediately to a Supervisor;
NOTE: This includes a bent shaft, wear and tear on the handle, and sharp abrasions on the tip.
 - D. Immediately report any incident in which the baton was used as a means of force to their Supervisor on an Incident Report Form and to the Public Security Division.
 - E. Ensure that when off-duty, the baton is secured in a locked cabinet within the office. If a peace officer goes off shift at their residence, the OC spray must be secured within a locked cabinet.

Appendix U

Alberta Peace Officer – MOU

ALBERTA PEACE OFFICERS - MEMORANDUM OF UNDERSTANDING (MOU)

PREAMBLE

The Alberta Public Security Peace Officer Program is unique in Canada in that it provides different levels of government the opportunity to obtain peace officer status for enhancement of community safety or to meet specialized law enforcement needs.

The program has been designed to be as flexible as possible in meeting provincial government requirements in a variety of circumstances. In meeting those needs a number of authorities are available beyond what may be accessible through other legislation such as the *Wildlife Act* or *Judicature Act*. Should a Ministry be desirous to expand the role of enforcement personnel in order to fill a need, this program has the ability to grant individuals the ability to provide for some of all of the following authority:

- *Criminal Code* authority specific to an identified job function
- Provincial Statute Authority
- The ability for a peace officer to utilize a firearm, baton, or OC Spray if an identified safety need exists.

(For detailed information on these authorities please consult the Public Security Peace Officer Program Policy Manual)

A Ministry can apply for some or all of the above authorities as required but is not obligated to assume all authorities as a requirement for participation.

In all cases the exact authorities granted to the Ministry can be found on their Authorization to Employ Peace Officers.

The intent of this Memorandum of Understanding (MOU) is to assist in clearly defining the role of peace officers and coordinating peace officer services with a police service. The MOU is an eligibility requirement under the *Peace Officer Act* Regulations to apply for an employer's authorization. Specifically, entering into a MOU is a condition of an employer obtaining and maintaining their authorization.

The *Peace Officer (Ministerial) Regulation* details, in general terms, the minimum strategies that must form part of any MOU that will be approved by the Minister. Those strategies are found in section 17 of the *Peace Officer (Ministerial) Regulation* and are listed as follows:

- (a) the term of the memorandum of understanding must be for 5 years unless
 - (i) the parties agree on another period of time, or
 - (ii) the memorandum of understanding is terminated in accordance with its terms;
- (b) a provision for termination of the agreement during its term by either party giving written notice to the other party and to the Minister;
- (c) communication generally between representatives of the authorized employer, peace officers and the police service and specific communication protocols including:
 - (i) identification of liaison and contact persons and the manner and time at which they will communicate and meet;
 - (ii) information exchange between peace officers and the police service;
 - (iii) radio communication between peace officers and the police service;
- (d) the training of peace officers by the police service or the training of the police service by peace officers, if any is agreed to be provided;
- (e) the respective roles and responsibilities and the cooperation and coordination of services of peace officers and the police service.

The attached template has been reviewed by police services in Alberta as well as impacted stakeholders and has been provided for use locally. An authorized employer may wish to craft a document meeting the requirements of the Act that deviates substantially from the document attached. This process is

acceptable but the authorized employer will be responsible for engaging with their police service of jurisdiction to bring that process to conclusion.

LEVEL I AND II ALBERTA PEACE OFFICERS - MEMORANDUM OF UNDERSTANDING

The following is a draft version of a Memorandum of Understanding representing minimum requirements. It is not a final document.

It is recognizable that an integrated approach to law enforcement is necessary within geographical boundaries, to this end, cooperation and information links are both desirable and necessary. Overall service to Albertans will best be served with combined efforts in the law enforcement community.

The memorandum of understanding (MOU) will be an eligibility requirement under the *Peace Officer Act* Regulations to apply for an employer's authorization. Specifically, the MOU would be a condition of obtaining and maintaining an employer's authorization.

The MOU would assist in clearly defining the role of peace officers and coordinating services with police services.

In terms of process, it is suggested that each Ministry would have one MOU which would have appendices for each police service of jurisdiction they work with if the operational conditions between agencies varies by jurisdiction. The RCMP would be managed provincially through one appendix. An MOU is not necessary with a police service if enforcement authority is not normally exercised within that police service's jurisdiction.

To assist in transitioning the requirements of the MOU, the employer would be authorized with a one-year expiry date contingent upon completion of the MOU.

SECTION 1: TERM OF AGREEMENT AND AMENDMENTS

(1) The MOU commences on the date signed by the parties for a period of maximum five (5) years unless otherwise stated or terminated in accordance with agreed upon conditions by one of the parties. The Solicitor General and Minister of Public Security must be notified of the termination.

(2) If this agreement is breached or terminated and is not rectified to the satisfaction of the Solicitor General and Minister of Public Security, the Minister may,

- (a) Vary the terms and conditions of the employer's designation or the appointments of any peace officers;
- (b) Suspend or terminate the authorization of the employer or the appointment of any peace officers;
- (c) Terminate this agreement; and

(3) Amendments to this agreement may be made:

- (a) With the written consent of the parties.
- (b) With approval by the Solicitor General and Minister of Public Security.

SECTION 2: LIABILITY

(Note: Section 2 is provided for information purposes only)

The authorized employer will at all times remain liable for the employed peace officer as section 10 of the *Peace Officer Act*.

The authorized employer of a peace officer is liable for the actions and omissions of the peace officer while the peace officer is on duty or is otherwise exercising the peace officer's authority, responsibilities and duties for the authorized employer.

SECTION 3: SUPERVISION OF PEACE OFFICERS

(1) Peace Officers are defined as being employed or engaged by the authorized authority. The authorized employer is responsible for providing adequate supervision to ensure peace officers are operating within the terms of the appointment of the peace officer and the provisions of the *Peace Officer Act* and Regulations made under this act.

(2) This supervision, with written consent by the parties involved and the Solicitor General and Minister of Public Security, may be delegated to the police service of jurisdiction under terms and arrangements mutually agreeable to each party. Any such arrangement must be included as an appendix to this MOU.

SECTION 4: COMMUNICATION BETWEEN PEACE OFFICERS AND POLICE SERVICES

Subsection A: Liaison and person of Contact

(1) The authorized employer and police service referred to in this agreement will each appoint a liaison officer or person of contact. These individuals will be the primary contact for the Public Security Peace Officer Program.

(2) The parties, police and designate, agree that these individuals will meet on a formal basis at least 1 time per calendar year to discuss operational issues, issues of interest, partake in information sharing and review the MOU.

Subsection B: Operational Interaction

Documents not impacted by this section: Existing or future information sharing agreements outside the scope of Peace Officer Program legislation, local working agreements, contracts for service, unrelated MOUs, or other like documents.

1) In order to facilitate operational interactions between peace officer and police services the parties must detail how information will be shared between peace officers and police agencies with respect to:

- (a) Information impacting the safety of a police or peace officer.
- (b) The authorized employer will forward to the police service of jurisdiction a written report detailing all major/serious incidents that peace officers have been involved in within the previous 48 hours in a format agreed upon by the parties.
- (c) The quarterly sharing of traffic enforcement data including, if applicable:
 - (i) The authorized employer shall provide the police service with statistical data on all traffic enforcement/safety data obtained; and
 - (ii) The police service shall provide such information as necessary to the authorized employer to allow for the authorized employers traffic safety plan to be updated.
- (d) Any other items of interest agreed to (detail here).

(2) All changes in policy involving the exchange of information between the parties.

Subsection C: Radio Frequencies

(1) The authorized employer will provide to the police service information on radio frequencies used by its peace officers, if applicable.

(2) Both parties will ensure that an effective communications plan is in place to ensure ease of communication between peace officers and police officers. The details of each plan shall be reflected in this MOU under this section or as an appendix.

SECTION 5: TRAINING OF PEACE OFFICERS

(1) Training of peace officers will be specified in this agreement as follows and include that which the police service of jurisdiction is willing to offer. This may include but is not limited to cell block training, radar/laser, and weights and measures (list other areas).

(2) Training agreements under this section shall not be viewed as equivalent to training programs offered by the Ministry unless agreed to in writing by the Director of Law Enforcement, Solicitor General and Public Security.

(3) Any training willing to be offered to police agencies by the peace officer agency may also be detailed in this section.

SECTION 6: ROLES AND RESPONSIBILITIES

Attach Peace Officer Job Descriptions

(1) The job description will assist in identifying activities that will require coordination with the police services. Please list those areas where coordination with police is required.

(2) Any expansion of the job description as it pertains to the duties of the peace officer must be approved by the Director of Law Enforcement, Alberta Solicitor General and Public Security and the parties involved.

SECTION 7: DISPUTE RESOLUTION

In the event of a dispute arising that would impact the MOU, the Director of Law Enforcement or designate may become directly involved in any disagreement where mediation or arbitration is required.

Appendix V

Community Peace Officer – MOU

COMMUNITY PEACE OFFICERS LEVEL I - MEMORANDUM OF UNDERSTANDING (MOU)

PREAMBLE

The Alberta Public Security Peace Officer Program is unique in Canada in that it provides different levels of government the opportunity to obtain peace officer status for enhancement of community safety or to meet specialized law enforcement needs.

The program has been designed to be as flexible as possible to meet agency/community needs in a variety of circumstances through the use of a Memorandum of Understanding with a police service. In meeting those needs a number of authorities have been made available through this program beyond what are accessible through other legislation such as the *Municipal Government Act*. Should a community be desirous to expand the role of enforcement personnel in order to fill a local need the Peace Officer Program has the ability to tailor Appointments to meet those specific needs by granting individuals select criminal legislation and a variety of provincial legislation as follows:

- *Criminal Code* authority for Theft and Mischief under \$5000, if the event is not 'in progress'.
- *Criminal Code* Warrant – arrest and release only
- Provincial Statute Authority (note: Currently some provincial statutes may not be granted such as the *School Act* or *Wildlife Act*)
- Non Injury Motor Vehicle Collision Investigation
- The ability for a peace officer to utilize a baton or OC Spray if an identified safety need exists.

(For detailed information on these authorities please consult the Public Security Peace Officer Program Policy Manual)

An agency can apply for some or all of the above authorities as required but is not obligated to assume all authorities as a requirement for participation.

In all cases the exact authorities granted to the Agency/Community are found on their Authorization to Employ Peace Officers.

The intent of the Memorandum of Understanding (MOU) is to clearly define the role of peace officers and to coordinate peace officer services with a police service. Entering into a MOU is a condition of an employer obtaining and maintaining their authorization as outlined within the *Peace Officer Regulations*.

The *Peace Officer Regulation* prescribes the minimum strategies that must form part of any MOU that will be approved by the Minister. Those strategies are found in section 17 of the *Peace Officer (Ministerial) Regulation* and are listed as follows:

- (a) the term of the memorandum of understanding must be for 5 years unless
 - (i) the parties agree on another period of time, or
 - (ii) the memorandum of understanding is terminated in accordance with its terms;
- (b) a provision for termination of the agreement during its term by either party giving written notice to the other party and to the Minister;
- (c) communication generally between representatives of the authorized employer, peace officers and the police service and specific communication protocols including
 - (i) identification of liaison and contact persons and the manner and time at which they will communicate and meet;
 - (ii) information exchange between peace officers and the police service;
 - (iii) radio communication between peace officers and the police service;
- (d) the training of peace officers by the police service or the training of the police service by peace officers, if any is agreed to be provided;
- (e) the respective roles and responsibilities and the cooperation and coordination of services of peace officers and the police service.

The attached template has been reviewed by police services in Alberta as well as impacted stakeholders. An authorized employer may wish to craft a document meeting the requirements of the Act that deviates

from the template attached however, the authorized employer will then be responsible for obtaining approval from the police service of jurisdiction to bring that process to conclusion.

COMMUNITY PEACE OFFICERS LEVEL I - MEMORANDUM OF UNDERSTANDING (MOU)

It is recognized that an integrated approach to law enforcement is necessary within geographical boundaries, and that to this end, cooperation and information links are both desirable and necessary. Overall service to Albertans will best be served by combined efforts in the law enforcement community.

The intent of the MOU is to assist in clearly defining the role of peace officers and coordinating peace officer services with police services.

The MOU will be an eligibility requirement under the *Peace Officer Act* Regulations to apply for an employer's authorization. Specifically, entering into a MOU with the police service of jurisdiction would be a condition for an authorized employer obtaining and maintaining their authorization.

To assist in transitioning the requirements of the MOU, the employer would have one year in which to achieve compliance with the terms of the MOU.

SECTION 1: TERM OF AGREEMENT AND AMENDMENTS

- (1) The MOU commences on the date signed by the parties and is in effect for a period of maximum five (5) years unless otherwise stated or terminated in accordance with agreed upon conditions by one of the parties. The Solicitor General and Minister of Public Security must be notified of the termination as soon as is reasonably practicable.
- (2) If this MOU is breached and the breach is not rectified to the satisfaction of the Solicitor General and Minister of Public Security, the Minister may:
 - (a) Vary the terms and conditions of the employer's designation or the appointments of any peace officers pursuant to section 5(4) of the *Peace Officer Act*;
 - (b) Suspend or terminate the authorization of the employer or the appointment of any peace officers pursuant to section 6 of the *Peace Officer Act*;
 - (c) Terminate this agreement pursuant to section 17(4) of the *Peace Officer (Ministerial) Regulation*.
- (3) Amendments to this MOU may be made:
 - (a) With the written consent of the parties, and
 - (b) With written approval by the Solicitor General and Minister of Public Security.
- (4) Each agency will have one MOU for each police service.

SECTION 2: LIABILITY

(Note: Section 2 is provided for information purposes only)

The authorized employer will at all times remain liable for the employed peace officer as set out in section 10 of the *Peace Officer Act*:

The authorized employer of a peace officer is liable for the actions and omissions of the peace officer while the peace officer is on duty or is otherwise exercising the peace officer's authority, responsibilities and duties for the authorized employer.

SECTION 3: SUPERVISION OF PEACE OFFICERS

- (1) Peace Officers are defined as being employed or engaged by the authorized employer. The authorized employer is responsible for providing adequate supervision to ensure peace officers are operating within the terms of the appointment of the peace officer and the provisions of the *Peace Officer Act* and Regulations made under this Act.

- (2) This supervision, with written consent of the signatories to the MOU and the Solicitor General and Minister of Public Security, may be delegated to the police service of jurisdiction under terms and arrangements mutually agreeable to each party. Any such arrangement must be included as an appendix to this MOU.

SECTION 4: COMMUNICATION BETWEEN PEACE OFFICERS AND POLICE SERVICES

Subsection A: Liaison and Person of Contact

(1) The authorized employer and police service referred to in this MOU will each appoint a liaison officer or person of contact. These individuals will be the primary contact for the Public Security Peace Officer Program. The authorized employer may delegate a peace officer or other employee to be the liaison.

(2) The parties, police and authorized employer, agree that these individuals will meet on a formal basis at least 2 times per calendar year to discuss operational issues, issues of interest, partake in information sharing and review the MOU.

Subsection B: Exchange of Information

(1) The parties shall detail how information will be shared with respect to:

- (a) Information which may impact the safety of the police or peace officer.
- (b) The authorized employer agency will forward to the police service of jurisdiction a written report detailing all major/serious incidents as defined in program policy that peace officers have been involved in within two business days or sooner if a police investigation is required.
- (c) The quarterly sharing of traffic enforcement data including, if applicable:
 - (i) The authorized employer agency shall provide the police service with statistical data on all traffic enforcement/safety data obtained; and
 - (ii) The police service shall provide such information as necessary to the authorized employer to allow for the authorized employer agency's traffic safety plan to be updated.
- (d) Any other items of interest agreed to (detail here).

(2) All changes in policy involving the exchange of information between the parties.

Subsection C: Radio Frequencies

(1) The authorized employer will provide to the police service information on radio frequencies used by its peace officers.

(2) Both parties will ensure that an effective communications plan is in place to ensure ease of radio communication between peace officers and police. The details of each plan shall be reflected in this MOU under this section or as an appendix.

SECTION 5: TRAINING OF PEACE OFFICERS

(1) Training of peace officers will be specified in the MOU as follows and include that which the police service of jurisdiction is willing to offer. This may include, but is not limited to; cell block training, radar/laser, and weights and measures (list other areas).

(2) Training agreements under this section shall not be viewed as equivalent to training programs offered by the Ministry unless agreed to in writing by the Director of Law Enforcement, Solicitor General and Public Security.

(3) To facilitate the provision of training between parties the development of 'Hold Harmless' agreements may be explored by the parties.

SECTION 6: ROLES AND RESPONSIBILITIES

(THE FOLLOWING MINIMUM STANDARDS, AS FOUND IN PROGRAM POLICY AND MUST BE INCLUDED IN THE MOU FOR REFERENCE PURPOSES. ADDITIONAL ROLES/RESPONSIBILITIES CAN BE INCLUDED IN THIS SECTION AS PER THE SUGGESTED FORMAT.)

- Attending to, or participation in, an incident in which weapons are suspected or reported is inherently dangerous and are the jurisdiction of the police, and peace officers will not respond to such calls or become directly involved with the suspects. If during the normal course of duties a peace officer encounters a situation in which weapons are present and there is a reasonable expectation that they may be used in an illegal manner or in a manner impacting the safety of the peace officer or public, they shall:
 - Remove themselves from any immediate harm.
 - Contact the police service of jurisdiction immediately.
 - Be aware that the presence of a uniformed individual may escalate an event in progress and no efforts to involve themselves in the incident should be taken.
 - Recognize that criminal matters and crimes in progress are the responsibility of the police.
 - Be aware that Peace Officers do not have access to the full spectrum of tools/training to safely intervene in situations in which a weapon is present.

And may:

- Attempt to minimize the threat to other persons in the immediate vicinity.
- Observe and report to the police as a witness, if safe to do so, and from a safe distance.

Response to calls involving domestic situations, sexual assaults, or any other criminal event is not permitted. The police are legally mandated to attend these occurrences and investigate in accordance with established practices. If during the normal course of duties a peace officer encounters a domestic, sexual assault, or any other criminal event they shall:

- Contact the police service of jurisdiction immediately.
- Be aware that the presence of a uniformed individual may escalate an event in progress and no efforts to involve themselves in the incident should be taken.
- Recognize that criminal matters and crimes in progress are the responsibility of the police.
- Be aware that Peace Officers do not have access to the full spectrum of tools/training to safely intervene in or investigate criminal events.

And may:

- If safe to do so, take action only to preserve the safety of those involved otherwise remove themselves from any immediate harm.
- Observe and report to the police as a witness, if safe to do so, and from a safe distance.
- May attempt to minimize the threat to other persons in the immediate vicinity.

- Attempted suicides or unnatural deaths:
 - (i) If appropriate and safe to do so, peace officers may apply first aid until medical assistance and the police service of jurisdiction arrive on the scene.
 - (ii) Peace officers will immediately advise the police service of jurisdiction of the attempted suicide or unnatural death.
 - (iii) Peace officers may secure the area to prevent the destruction of any forensic evidence when this can be done safely.

- (i) Peace officers may assist the police of jurisdiction as directed in their investigation and as permitted by the terms of their appointment.
- In the event of attending a motor vehicle collision as permitted under the terms of the Public Security Peace Officer Program and their appointment:
 - (i) Peace officers will notify the police service of jurisdiction of the collision.
 - (ii) Peace Officers may investigate property damage collisions that do not require an emergency response or involve an injured party being taken to the hospital.
 - (iii) Peace officers are permitted to use emergency equipment at the scene. They are prohibited from using emergency equipment while enroute to the scene.
 - (iv) If any injury is noted (a party is taken to hospital), peace officers are to notify the police of jurisdiction immediately and cease investigative activities. Traffic control should be provided until the police attend.
 - (v) If criminal offences are suspected or detected, peace officers are to notify the police of jurisdiction immediately and cease activities. Traffic control should be provided until the police attend.
- Collisions of any kind resulting in serious personal injury:
 - (i) Peace officers shall not attend the scene in an emergency response capacity.
 - (ii) Peace officers are permitted to use emergency equipment at the scene but not enroute.
 - (iii) Peace officers may apply first aid until medical assistance and the police service of jurisdiction arrive on the scene.
 - (iv) Peace officers may assist in the investigation only at the direction of the police of jurisdiction as permitted by the terms of their appointment.
- The use of a holding cell, detainment facility, secure interview room, or other room/facility designed to secure an individual after an arrest/detainment under Federal Legislation or Provincial legislation is prohibited unless in the continued presence of the arresting member and only for the purpose of establishing identity and serving release documents.
 - (i) This prohibition does not apply to detention of individuals in a secure treatment room under the *Mental Health Act*, *Public Health Act*, and/or at the direction of a medical practitioner in a medical facility.
- Persons arrested by peace officers who must be detained in custody may be transported by the peace officer to cells operated by the police service of jurisdiction if the following conditions are met:
 - (i) The vehicle doing the transporting must be equipped in a manner to safely transport the person.
 - (ii) The training component for arresting on warrants has been completed.
 - (iii) The authority to do so must be on the peace officer's appointment.

In addition to these roles and responsibilities, Appendix A outlines other areas of enforcement applicable to peace officers (this is provided as an example).

SECTION 7: TRAFFIC SAFETY PLAN

Must be completed by authorized employers having authority to conduct moving traffic enforcement under the *Traffic Safety Act*. Plan should be updated at least once per year based on information shared between parties.

SECTION 8: DISPUTE RESOLUTION

In the event of a dispute arising that would impact the MOU, the Director of Law Enforcement or designate may become directly involved in any disagreement where mediation or arbitration is required.

Appendix A

The following matrix is an illustration of what could be implemented for other areas of responsibility. The document is for example only. A local one will need to be developed to address the unique factors found within each jurisdiction.

Item of Enforcement	Authorized Employer	Police
Local airport	➤ Respond to complaints	➤ No involvement
Animal Control	<ul style="list-style-type: none"> ➤ Takes lead role with enforcement and impoundment of animals ➤ Administer license system ➤ Administer SPCA contract ➤ After hours respond to emergency calls ➤ Disposition of dead animals ➤ Administer live trap agreements 	<ul style="list-style-type: none"> ➤ Provide uniformed member assistance to authorized employer in emergency circumstances, including but not limited to: <ul style="list-style-type: none"> ▢ vicious animals ▢ rabies emergencies ➤ Complaints of dog poisoning for investigations under the <i>Criminal Code</i>
Dangerous Goods	<ul style="list-style-type: none"> ➤ Pro-active enforcement of Dangerous Goods Bylaw and Provincial Dangerous Goods Legislation ➤ All peace officers appointed Dangerous Goods Inspectors. 	➤ Pro-active enforcement of provincial and municipal legislation
Lost and Found Bikes	<ul style="list-style-type: none"> ➤ Administer lost and found bike program ➤ Pick up and secure bikes ➤ Return bikes to owners ➤ Administer bike registration program ➤ Administer sale of bikes 	<ul style="list-style-type: none"> ➤ Conduct stolen checks on all bikes retrieved ➤ Respond to complaints outside regular shifts ➤ Administer the authorized employer inquiries of serial number on bicycles
Found, Seized Property	<ul style="list-style-type: none"> ➤ Provide secure storage after turned over by police ➤ Administer sale of property ➤ Track all property turned over by police 	<ul style="list-style-type: none"> ➤ Administer property seized /turned over to police ➤ Turnover property to authorized employer
Noise	➤ Respond to complaints within regular shift	<ul style="list-style-type: none"> ➤ Respond to complaints outside authorized employer regular shift ➤ Provide assistance to authorized employer as requested
Off-Highway Vehicle	<ul style="list-style-type: none"> ➤ Pro-active to violations observed ➤ Respond to complaints during regular shifts 	<ul style="list-style-type: none"> ➤ Pro-active to violations observed ➤ Respond to complaints outside regular authorized employer shifts
Parades & Processions	➤ Assist police in parade/funeral traffic control	➤ Lead role in coordinating traffic control for parades/ funerals

<p>Parking</p>	<ul style="list-style-type: none"> ➤ Pro-active enforcement ➤ Respond to specific complaints ➤ Administer private property parking 	<ul style="list-style-type: none"> ➤ Pro-active enforcement as resources and priorities permit ➤ Respond to specific complaints as follows: <ul style="list-style-type: none"> ▢ Within authorized employer shifts, referred to authorized employer ▢ Outside authorized employer shifts, dispatch to determine urgency ➤ Routine – refer to authorized employer next available shift ➤ Emergency (hazard, blocking fire lane, blocking driveway) <ul style="list-style-type: none"> ▢ Attend as resources and priorities allow. ▢ Refer to authorized employer for follow-up if appropriate.
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Appendix W

Uniform and Vehicle Markings

The Continuum of Law Enforcement from Police Service to Peace Officer in Alberta



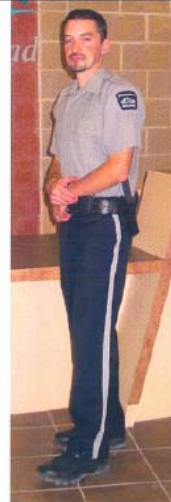
RCMP Officer



Police Officer
(i.e. Calgary Police Services)



Alberta Peace Officer
(i.e. Sheriff)



Community Peace Officer

Community Peace Officer Level 1 Uniform Requirements

Shirt: Grey in colour. To aid suppliers a range of colour squares has been provided. Your agency is required to match the colours as best able.



Pants: Blue/Black in colour. Stripe must be grey in colour.

Hat and Tie: Must correspond in colour to pants or shirt (if worn)

Patrol Jacket: Blue/Black in colour

Safety Jacket: Lime Green in colour with "Peace Officer" across the back.

Both jackets must bear the approved flash on each arm.

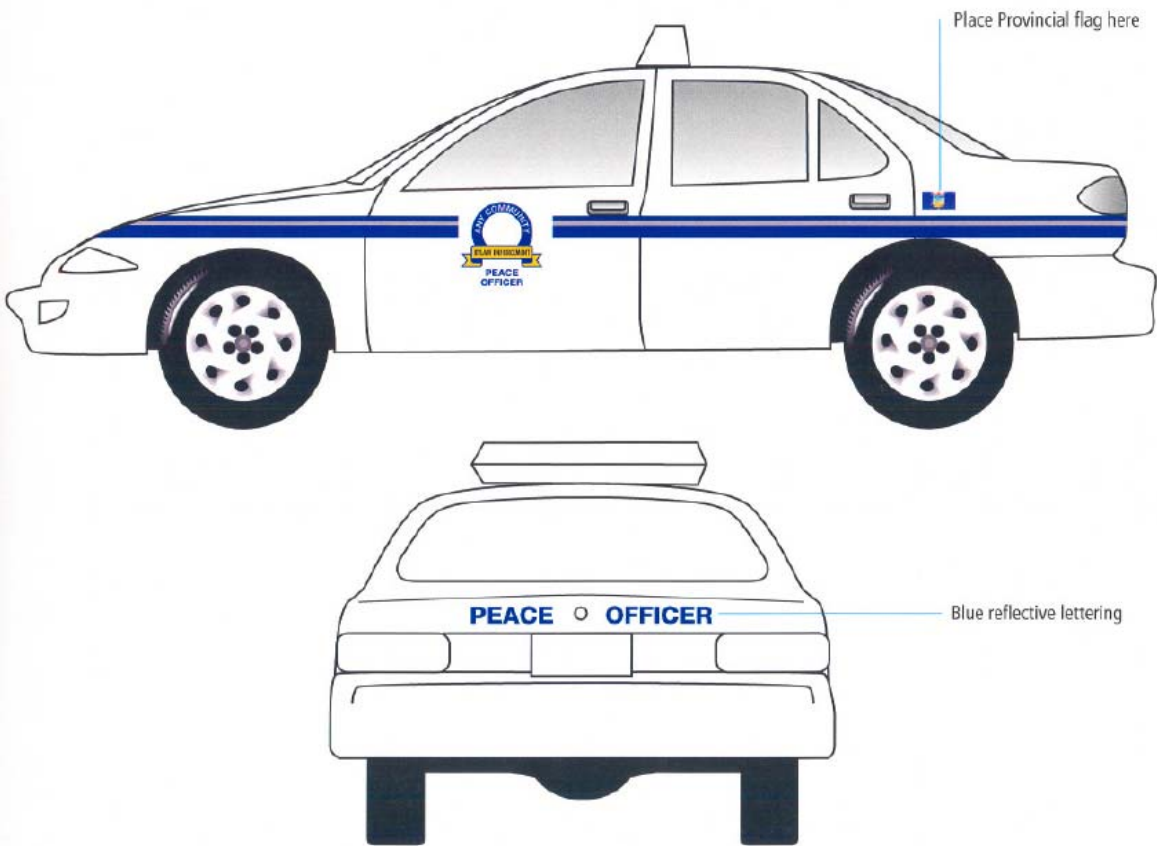


Gold or yellow threaded border

Place for name of community, e.g. Pigeon Lake

Place for community logo

Place for name of role, e.g. By-law Enforcement





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Appendix X

Request for Amendment to Authorization or Appointment

Appendix Y

Common Questions and Drug Scenarios

1. *While on duty, are we “Peace Officers” as defined in the criminal code?*

You are a peace officer only for the purposes listed on your appointment, i.e., arresting person for intox in public.

2. *Do s.495 (CCC) powers of arrest apply to us while in execution of our duties?*

S.495 arrest powers are not available to CPOs under current authority levels. Some APOs may have access to s.495 powers, depending on their appointments (i.e., Court Sheriffs, Fish and Wildlife Officers, Conservation Officers, Out of Province Police Officers). If you have questions, please contact the Program Manager.

3. *Would we be able to arrest an assaultive subject for Assault Peace Officer/ Resist Peace Officer?*

Absolutely, it would be a ‘founds committing’ citizen’s arrest. (s.494)

4. *Are we able to arrest on Obstruct Justice offences?*

Yes, but in most cases (see question #2 above) it is an s.494 arrest – founds committing. Only mechanism of release is via a POLICE officer.

Through POPA (s.3), peace officers in this program have access to certain arrest provisions. We advise to arrest for obstruction as a last resort as you always need to call the police. If a person is continuing the offense or refuses to provide their name for an offense under which you have authority (i.e., trespassing) simply state what they are under arrest for (i.e. for identity purposes). As this type of arrest is allowed under POPA, if they stop whatever it is you arrested them for, then you can release them via provincial authorities.

5. *While effecting an arrest under s. 494, are we able to use our tools (OC spray, baton)?*

There may be liability in using tools to effect an s.494 arrest. However, if the action taken by a peace officer is to preserve the life of another person or otherwise prevent serious injury, and they take such action in accordance with their training, such liability may be minimal.

However, even if authority is provided on a peace officer appointment to take action for ‘on-view’ events, action taken not in accordance with training or disproportionate to the event in question will result in civil liability issues or even criminal charges.

The program is aware of this issue and will be monitoring closely in the event changes are required.

Drug Scenarios

(May not apply to Peace Officer with Full Authority Levels, see #2 above)

Scenario 1

A Peace Officer checks a vehicle and its driver. The officer detects the smell of raw or fresh burnt marijuana. Through his actions and mannerisms the driver is clearly impaired. The officer is appointed to issue a 24 hour suspension under the provisions of section 89 of the Traffic Safety Act. Is there other additional appropriate action that the officer should take?

The presumption is that Marijuana substance is not present. Any passenger in the vehicle would be treated as a witness only. The peace officer may issue a 24 hour suspension to the driver and notify the police service of jurisdiction to continue with any criminal investigations. If the police can not respond, seize the vehicle for safe keeping if it is lawful to do so, or secure the vehicle for 24 hours. Make adequate notes of who advised you that the police would not be responding. There is no authority to search the vehicle for a controlled substance.

Scenario 2

A Peace Officer checks a vehicle and its driver. The officer detects the smell of raw or fresh burnt marijuana. He questions the driver about possession of marijuana, and the driver freely produces what clearly appears to be an amount of marijuana greater than 30 grams. What is the proper action for this officer to take? What if the police authority of jurisdiction cannot attend? What should the officer do in relation to the accused, and to the exhibit?

Any passenger in the commercial vehicle would be considered a suspect in possessing a Controlled Substance. The best option is to contact the police service of jurisdiction and continue with the routine vehicle inspection in anticipation of police arrival. Ideally, the substance would remain in the vehicle while the occupants voluntarily accompany the transport officer for the purpose of continuing the inspection.

If the police indicate they can not respond in a reasonable amount of time or action must be swift to preserve the evidence, and subject to Agency policy, the transport officer has the Criminal Code authority to effect a citizens arrest pursuant to section 494 Criminal Code. This would apply to the driver who produced the Marijuana as well as the passenger. If practical, the Controlled Substance should be left in the vehicle for eventual seizure by the police while the occupants are detained. As a last resort, the Marijuana may be secured at the scene to prevent its loss or destruction during the investigation until it can be seized by the police.

Be aware that if a person is arrested under 494 Criminal Code, there is no provision to discontinue the arrest because the police response time is too lengthy. The arrest must be maintained.

If the police can not respond and the peace officer does not effect an arrest under Section 494 Criminal Code, attempt to obtain voluntary written permission from the occupants to jointly destroy the Controlled Substance. Do so in the presence of the occupants and on video if possible. Prepare detailed notes, including the lack of police response, and release the driver and any passenger. Of course it is advisable to notify the police service of the continuing criminal offence.

If the police can not respond in a reasonable amount of time, the peace officer does not effect an arrest under Section 494 Criminal Code, and the occupants wish to retain possession of the Controlled Substance upon their release, they will be permitted to do so as there is no authority to seize the drugs and no obligation to engage in a citizen's arrest.

Scenario 3

A Peace Officer checks a vehicle and its driver. The officer detects the smell of raw or fresh burnt marijuana. He questions the driver about possession of marijuana, and the driver freely produces what clearly appears to be an amount of marijuana less than 30 grams. What is the proper action for this officer to take? What if the police authority of jurisdiction cannot attend? What should the officer do in relation to the accused, and to the exhibit?

Any passenger would be considered a witness. There is no citizen's power of arrest for this summary conviction offence. Determine if the police will respond immediately while permitted enforcement is conducted and if the occupants will voluntarily accompany the officer for the purpose of the enforcement activity. The Marijuana should be left in the vehicle but the occupants can not be prevented from retaining the substance in their possession.

If the police can not respond, attempt to obtain voluntary written permission from the occupant(s) to jointly destroy the Controlled Substance. Do so in the presence of the occupant(s) and on video if possible. Prepare detailed notes, including the lack of police response, and release the driver and any passenger. If the occupant(s) refuse to destroy the Marijuana and choose to depart after the inspection while retaining the substance, they will be permitted to do so. Of course it is advisable to notify the police service of the continuing criminal offence.

Scenario 4

A Peace Officer checks a vehicle and its driver. The officer detects the smell of raw or fresh burnt marijuana. He questions the driver about possession of marijuana, and the driver freely produces an amount of marijuana. The officer contacts the police authority of jurisdiction. The police are unable to respond, and ask the officer to allow the driver to proceed, but to seize the marijuana and bring it to the police detachment. What should this officer do?

The response is the same as in scenario two or scenario three depending on the amount of Marijuana produced. The police can not authorize the peace officer to seize a controlled substance and the police should be advised of this. The police should be advised that without voluntary disposal of the Marijuana, the occupant(s) will be permitted to depart while retaining possession of the Controlled Substance. Adequate notes are advisable.

Scenario 5

A Peace Officer checks a vehicle driver. The officer detects the smell of raw or fresh burnt marijuana. He questions the driver about possession of marijuana, and the driver denies any knowledge. What should the officer do in this circumstance?

Any passenger will be considered a witness. The police should be notified of the suspicion during the enforcement activity and determine if they are able to respond before the end of the action. If the police are able to respond, attempt to have the occupant(s) exit the vehicle and voluntarily accompany the peace officer for the purpose of the action. With the presumption that there are no grounds for a 24 hour suspension, the driver shall be allowed to depart upon conclusion of the action as the peace officer has no authority to investigate based on this suspicion. Adequate notes are advisable.

Appendix Z

Process for Investigation of Criminal Allegations Against Peace Officers

Preamble

Authorized employers are responsible for reviewing complaints against peace officers to determine if there are allegations of criminal misconduct. Any allegation or suspicion of criminal misconduct revealed in any manner must be turned over to the police service of jurisdiction for investigation. For clarity, complaints that contain allegations of excessive force against a peace officer shall be considered criminal allegations. If during the course of an investigation not initially identified as criminal, potentially criminal misconduct is revealed, the authorized employer is required to report the matter to the police. In most circumstances the authorized employer should delay continuing the public complaint investigation until the police investigation has been concluded. It is imperative that the authorized employer take all possible steps necessary to avoid contaminating any police investigation.

The following outlines the process following identification of potential criminal misconduct:

1. The authorized employer becomes aware of an allegation of criminal misconduct by a peace officer. This may be through written complaint alleging criminal misconduct, through reviewing any complaint and determining that criminal misconduct is revealed therein, through supervisory or other in-house processes, or by any other means.
2. The authorized employer immediately notifies the Director of Law Enforcement of the circumstances of the criminal allegation.
3. The authorized employer notifies the complainant that the matter is being turned over to the police for investigation.
4. The authorized employer turns over the allegation of criminal misconduct to the police service of jurisdiction for investigation.
5. The authorized employer should consider delaying continuing the public complaint investigation until the police investigation has finished. However, the authorized employer may conduct a concurrent internal investigation provided they interact/cooperate with the police service and take such steps that are necessary to avoid contaminating the criminal investigation.
6. The authorized employer notifies the peace officer of the investigation, unless such notification is deemed inappropriate. The following general circumstances may warrant delaying notification of the peace officer:
 - The complainant may be placed in danger
 - The complainant may face other inappropriate action by the peace officer
 - May impede the gathering of evidence during an internal investigation
 - Could impede any resulting police or other investigative agency investigation, or
 - Any other situation identified by the authorized employer or Director in which it may be appropriate
7. The authorized employer must notify the complainant, the peace officer involved if appropriate, and the Director as to the status of the investigation at least once every 45 days. It is recognized that the authorized employer may be unaware of the precise stage or likely duration of the criminal investigation. In such cases, the authorized employer may discharge the 45 day investigation-status notification by advising that the police investigation is ongoing.
8. The investigating police agency will investigate the allegations. The police investigation will be limited to criminal offence allegations. The police may interview the peace officer.
9. The investigating police agency may or may not refer the investigative results to the Crown for charge recommendations. It should be anticipated that a referral will delay the final determination of action to be taken arising from the investigation.
10. The authorized employer must continue to provide the required investigation-status notifications at least once every 45 days during the authorized employer's investigation.
11. Upon conclusion of the authorized employer's investigation, the authorized employer must notify the complainant, the peace officer involved and the Director of the disposition of the complaint.