



Province of Alberta

PEACE OFFICER ACT

PEACE OFFICER REGULATION

Alberta Regulation 291/2006

With amendments up to and including Alberta Regulation 140/2011

Office Consolidation

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(Consolidated up to 140/2011)

ALBERTA REGULATION 291/2006

Peace Officer Act

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Definitions

1(1) In this Regulation, “Act” means the *Peace Officer Act*.

(2) For the purposes of the Act and the regulations made under the Act, “equipment” includes vehicles.

Non-application

2 The following provisions do not apply to a peace officer appointed as a wildlife officer under section 1.1(1) of the *Wildlife Act* or as a conservation officer appointed under section 1 of Schedule 3.1 to the *Government Organization Act*:

section 3;
section 4;
section 7(2)(c) of the Act;
section 12 of the Act.

Restrictions on weapons

3(1) A peace officer must not carry, use or have in the peace officer’s possession any weapon unless

- (a) permitted by this Regulation,
- (b) the peace officer is authorized to carry and use the weapon by the terms of the peace officer's appointment, and
- (c) the weapon is issued to the peace officer by or under the authority of the authorized employer who employs or engages the services of the peace officer.

(2) In accordance with this section, a peace officer may carry only those weapons that the peace officer is authorized to use under the terms of the peace officer's appointment.

Authorized weapons and equipment

4(1) A peace officer may be authorized, by the peace officer's appointment under section 7 of the Act, to carry and use the following weapons:

- (a) OC spray, being a device designed to be capable of injuring, immobilizing or otherwise incapacitating a person by the discharge of Oleoresin Capsicum spray using a concentration approved or specified by the Director;
- (b) a baton;
- (c) a firearm, for peace officers employed or engaged by the Crown in right of Alberta or Canada, or by an employer authorized under section 3 of the *Peace Officer (Ministerial) Regulation*;
- (d) a shotgun, for peace officers employed or engaged for services by any other authorized employer;
- (e) a conducted energy device, being a device that is designed to be capable of injuring, immobilizing or incapacitating a person by discharging an electrical charge produced by means of the amplification or accumulation of the electrical current generated by a battery, where the device is designed or altered so that the electrical charge may be discharged when the device is of a length of less than 480 millimetres, and any similar device;
- (f) tear gas.

(2) A peace officer may be authorized, by the peace officer's appointment under section 7 of the Act, to use the following equipment:

- (a) handcuffs;
- (b) personal protective equipment listed in the peace officer's appointment, including a bullet resistant vest, a stab resistant vest or protective gloves, but not including SAP gloves or similar gloves;
- (c) vehicles with markings and equipment determined in the Public Security Peace Officer Program Policy, January 2007, as amended from time to time, issued by the Director;
- (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.

Report of discharge of firearms

5(1) If a peace officer discharges a firearm, the peace officer must report the incident to the Director as soon as possible and no later than 24 hours after the incident.

(2) Subsection (1) does not apply to the discharge of a firearm

- (a) that occurs in the course of the peace officer's duties pursuant to that peace officer enforcing any of the following Acts or regulations under those Acts:
 - (i) the *Animal Protection Act*;
 - (ii) the *Dangerous Dogs Act*;
 - (iii) the *Provincial Parks Act*;
 - (iv) the *Stray Animals Act*;
 - (v) the *Wildlife Act*;

or

- (b) in the course of training.

AR 291/2006 s5;140/2011

Loss or theft of weapons

6 If a peace officer loses a weapon, or if a peace officer's weapon is stolen, the peace officer must immediately report the loss or the theft to a police service and to the peace officer's authorized employer.

Ammunition

7(1) A peace officer may use only ammunition that has been sanctioned for use by the peace officer's authorized employer.

(2) No person may tamper with or modify ammunition that has been issued to or is available for use by a peace officer.

(3) A peace officer must not carry or use ammunition that has been modified or tampered with.

Responsibilities of authorized employers

8 An authorized employer whose peace officers are authorized to carry a weapon must

- (a) maintain policies and procedures for the use, storage and maintenance of weapons,
- (b) maintain policies and procedures relating to the training of peace officers in the use of weapons,
- (c) provide copies of the policies and procedures referred to under this section to the Director to ensure the policies and procedures are satisfactory,
- (d) ensure the policies and procedures referred to under this section are updated on a regular basis, and
- (e) provide copies of any updated policies and procedures referred to under this section to the Director as soon as practicable.

Apportionment of costs

9 The Director may apportion responsibility to an authorized employer for the payment of the costs of an investigation conducted under section 19 of the Act of not more than 50% of the total cost of the entire investigation.

Repeal

10 The following regulations are repealed:

- (a) *Special Constable Regulation* (AR 357/90);

(b) *Special Constable Equipment Regulation* (AR 322/90).

Expiry

11 For the purpose of ensuring this Regulation is reviewed for ongoing relevancy and necessity with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2021.

AR 291/2006 s11;140/2011

Coming into force

12 This Regulation comes into force on the coming into force of section 28 of the Act.



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