



Province of Alberta

PEACE OFFICER ACT

PEACE OFFICER (MINISTERIAL) REGULATION

Alberta Regulation 312/2006

With amendments up to and including Alberta Regulation 151/2011

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
7th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

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

(Consolidated up to 151/2011)

ALBERTA REGULATION 312/2006

Peace Officer Act

PEACE OFFICER (MINISTERIAL) REGULATION

Table of Contents

1 Definitions

Part 1

**Employer Authorizations and Peace Officer
Appointments**

2 Application for an employer authorization

3 Out of province employer applications

4 Further information and issue of authorization

5 Qualifications for appointment as a peace officer

6 Training

7 Oath of office

8 Amendments to employer authorizations and peace officer
appointments

9 Identification cards

10 Reporting by peace officers and authorized employers

11 Cancellation, suspensions and termination of authorizations and
appointments

12 Annual reports

Part 2

**Code of Conduct, Systems, Records and
Memorandum of Understanding**

13 Contents of code of conduct

14 Records management systems

15 Operational records system

16 Retention of records

17 Memorandum of understanding

Part 3

Uniforms

18 Uniforms

**Part 4
Fees**

- 19 Fees and exemptions from fees

**Part 5
Complaints**

- 20 Acknowledgement of complaints
21 Investigation of complaints
22 Disposition of complaints

**Part 6
Review and Coming Into Force**

- 23 Expiry
24 Coming into force

Schedule

Definitions

- 1 In this Regulation,
- (a) “Act” means the *Peace Officer Act*;
 - (b) “weapon” means a weapon listed under section 4 of the *Peace Officer Regulation* that a peace officer may be authorized to carry and use.

**Part 1
Employer Authorizations and Peace
Officer Appointments****Application for an employer authorization**

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) provide reasons for applying for authorization to employ or to engage the services of one or more peace officers,
- (b) specify the duties and responsibilities proposed for the peace officers,
- (c) specify the enforcement authority requested for the peace officers,

- (d) 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,
 - (e) describe the geographic area where the peace officers are proposed to have jurisdiction,
 - (f) provide a policy and process for managing and responding to public complaints against peace officers, the process proposed for the investigation of complaints and the disciplinary policy for peace officers,
 - (g) provide evidence satisfactory to the Director that the applicant has a records management system and an operational records system that meets the requirements of this Regulation,
 - (h) 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,
 - (i) provide confirmation of liability insurance, unless the applicant is the Crown, a Crown agency, or an applicant from outside Alberta, and
 - (j) unless the Minister otherwise permits, provide a memorandum of understanding that meets the requirements of section 17.
- (2) If an applicant under subsection (1) proposes that a peace officer it employs or engages the services of carry and use a weapon, the applicant must provide reasons and evidence satisfactory to the Director that
- (a) the employer has met the requirements of the *Peace Officer Regulation*,
 - (b) the peace officer has completed or will complete any training required by the *Peace Officer Regulation* or considered necessary by the Director, and
 - (c) the employer has policies and procedures satisfactory to the Director respecting the use, storage and maintenance of weapons as required by section 8 of the *Peace Officer Regulation*.

Out of province employer applications

3(1) This section applies to

- (a) the Crown in right of Canada,
- (b) the Crown in right of a Province other than Alberta, or to a territory or to an agent of that Crown, and
- (c) a police service, enforcement agency or a government agency providing policing, security or enforcement services outside Alberta, whether within Canada or outside Canada.

(2) An entity described in subsection (1) must apply to the Director for an employer's authorization in a form approved by the Director.

(3) The applicant must comply with the requirements of sections 2 and 5, unless otherwise exempted by the Director, and must provide the following information with respect to the persons it proposes to be appointed as peace officers:

- (a) a description of the nature of the investigation or purpose for which an application for an employer's authorization and a peace officer appointment is made;
- (b) proof that the proposed peace officers are Canadian citizens or lawfully entitled to work in Canada;
- (c) confirmation that the authorized employer's code of conduct will apply to the authorized employer's peace officers while working in Alberta;
- (d) confirmation that complaints made about a peace officer will be dealt with in accordance with the Act and the Regulations;
- (e) confirmation of current training, certification and qualifications for any weapons that the peace officer proposes to carry;
- (f) information about the date of arrival and the date of departure of each peace officer proposed for appointment;
- (g) evidence satisfactory to the Director that the applicant has made or will make appropriate arrangements with a police service or the Minister with respect to the peace officer's work in Alberta.

Further information and issue of authorization

4(1) After considering an application for an employer's authorization the Director may

- (a) require the applicant provide any other information for the purpose of considering the application,
- (b) require additional policies or procedures to be developed or require modifications or additions to policies and procedures proposed by the applicant,
- (c) if the Director is satisfied that the circumstances are such that there is a need for a peace officer to provide services for the employer, issue an employer's authorization and, under section 5(3) of the Act, impose any terms and conditions on the authorization that the Minister considers appropriate, or
- (d) refuse the application.

(2) In addition to any other terms and conditions that may be imposed on an employer's authorization, the Director may impose, as a term or condition of an employer's authorization, that the authorized employer and peace officers employed or engaged for services by the authorized employer comply with the Public Security Peace Officer Program Policy, January 2007, as amended from time to time, issued by the Director.

Qualifications for appointment as a peace officer

5(1) An application for the appointment of a person as a peace officer must be made by an authorized employer in accordance with section 7(1) of the Act.

(2) A person is not eligible to be appointed as a peace officer unless the Director is satisfied that the applicant

- (a) has successfully completed
 - (i) grade 12 or an equivalent qualification, or
 - (ii) a 2-year diploma program from a post-secondary learning institution that is applicable to the duties and responsibilities to be undertaken, if the duties and responsibilities attached to the appointment in the opinion of the Director require, or
 - (iii) a combination of education and experience acceptable by the Director,
- (b) is at least 18 years old,
- (c) is competent and of good character,

- (d) has no criminal record, or if the person has a criminal record, that the person has received a pardon in respect of that record,
- (e) has no outstanding criminal charges,
- (f) is not the subject of a criminal investigation,
- (g) has provided 3 references from persons satisfactory to the authorized employer,
- (h) successfully completes a physical abilities evaluation test approved by the Director if the nature of the work in which the peace officer so requires, and
- (i) has, in the opinion of the Director, successfully completed the training required under section 6.

(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 written 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.

(4) The Director may require the authorized employer or the person to provide any further information for the purpose of considering the application.

Training

6(1) A person proposed by an authorized employer for appointment as a peace officer must

- (a) successfully complete a basic level of training for a peace officer that is provided or approved by the Director, or any equivalent training acceptable to the Director,
- (b) successfully complete any additional training required by the Director that the Director considers necessary commensurate with the duties and responsibilities that the peace officer will undertake, and

- (c) successfully complete training with respect to the weapons an authorized employer proposes that a peace officer carry and use.

(2) A peace officer must meet any certification, recertification and on-going training requirements that are specified by the Director.

Oath of office

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.

Amendments to employer authorizations and peace officer appointments

8(1) An authorized employer may apply to the Director on a form approved by the Director, if the authorized employer requests that

- (a) the enforcement authority of peace officers employed or engaged for services by the authorized employer be increased or decreased,
- (b) the geographic area where the peace officers employed or engaged for services by the authorized employer have jurisdiction be increased or decreased,
- (c) a term or condition imposed on the authorization of the authorized employer be deleted, varied or added to, or
- (d) a term of a peace officer's appointment be deleted, varied or added to.

(2) The application under subsection (1) must

- (a) include details of the amendment requested and the rationale for the amendment,
- (b) include evidence satisfactory to the Director that peace officers employed or engaged for services by the authorized employer have the required education and training,
- (c) include any necessary new or amended policies and procedures to support the application, and
- (d) state how the amendment will affect the memorandum of understanding with a police service and, if appropriate,

what changes to the memorandum of understanding have been or will be made.

- (3) When considering an application, the Director may
- (a) require the authorized employer to provide any information for the purpose of considering the application,
 - (b) require existing policies and procedures be modified to reflect the amended authorization,
 - (c) require new policies or procedures be developed as a result of the amended authorization,
 - (d) issue a new employer's authorization reflecting the amendments applied for,
 - (e) amend the current employer's authorization,
 - (f) impose new terms or conditions on the employer's authorization or vary an existing term or condition on the employer's authorization in accordance with section 5(4) of the Act, or
 - (g) refuse the application.

Identification cards

9(1) The Director must issue an identification card to each peace officer appointed under section 7 of the Act that the peace officer must carry while on duty.

(2) If a peace officer loses the peace officer's identification card, the loss must be immediately reported to

- (a) a police service,
- (b) the peace officer's authorized employer, and
- (c) the Director.

(3) The Director may issue a substitute identification card.

(4) A peace officer must not have more than one identification card in the peace officer's possession, unless the peace officer holds more than one designation as a peace officer.

Reporting by peace officers and authorized employers

10(1) A peace officer who is arrested or charged with an offence described in section 8(1)(a) or (b) of the Act must, within 24 hours

of the arrest or the charge being laid, inform the peace officer's authorized employer of the arrest or charge laid.

(2) An authorized employer must immediately report in writing to the Director

- (a) any arrest or charge laid against a peace officer employed or engaged for services by the authorized employer under
 - (i) the *Criminal Code* (Canada),
 - (ii) the *Controlled Drugs and Substances Act* (Canada), or
 - (iii) any other enactment of Canada;
- (b) any arrest or charge laid against a peace officer employed or engaged for services by the authorized employer under an enactment of Alberta, if the authorized employer considers the charge to be serious;
- (c) if a peace officer is found to have contravened the authorized employer's code of conduct;
- (d) if the authorized employer suspends or terminates the employment or engagement for services of the peace officer, and the rationale for the suspension or termination;
- (e) repealed AR 151/2011 s2.

(3) If a peace officer terminates the peace officer's employment or engagement of services with an authorized employer, the authorized employer must, within 30 days of the termination, report the termination in writing to the Director.

AR 312/2006 s10;151/2011

Cancellation, suspensions and termination of authorizations and appointments

11(1) If the appointment of a peace officer is cancelled or terminated, the peace officer must immediately return to the peace officer's authorized employer

- (a) the peace officer's letter of appointment, and
- (b) the peace officer's identification card.

(2) An authorized employer must send to the Director as soon as practicable

- (a) the peace officer's letter of appointment and identification card received under subsection (1), and
- (b) if an authorized employer's authorization is cancelled or terminated, that authorization.

Annual reports

12 An authorized employer must, each year on or before a date specified by the Director, submit a written report to the Director

- (a) describing the general nature of the services provided by peace officers employed or engaged for services by the authorized employer,
- (b) describing the operational practices of the peace officers,
- (c) describing the enforcement and enforcement-related activities in which the peace officers are involved,
- (d) stating the name and contact information of the person referred to in section 2(1)(h), and
- (e) that includes any statistical data that the Director requires to be included in the report.

Part 2**Code of Conduct, Systems, Records
and Memorandum of Understanding****Contents of code of conduct**

13(1) Every authorized employer must establish and maintain a code of conduct for peace officers it employs or engages the services of.

(2) The code of conduct must include provisions applicable to the duties and responsibilities of peace officers the authorized employer employs or engages the services of, including

- (a) requiring peace officers to comply with the terms and conditions of the employer's authorization,
- (b) requiring peace officers to comply with the terms of the peace officer's appointment,
- (c) requiring peace officers to comply with the employer's code of conduct for peace officers,
- (d) prohibiting peace officers from

- (i) engaging in disorderly or inappropriate conduct, or
 - (ii) 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,
- (e) prohibiting peace officers from withholding or suppressing information, complaints or reports about any other peace officer,
- (f) requiring peace officers to promptly and diligently perform the peace officers' duties and responsibilities,
- (g) prohibiting peace officers from making or signing false, misleading or inaccurate statements,
- (h) prohibiting, without lawful excuse, peace officers from
 - (i) destroying, mutilating or concealing records or property, or
 - (ii) altering or erasing an entry in a record,
- (i) respecting when confidentiality must be maintained,
- (j) 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,
- (k) 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,
- (l) prohibiting peace officers from using the peace officer's position for the peace officer's own advantage or another person's advantage,
- (m) prohibiting peace officers from exercising the peace officer's authority as a peace officer when it is unnecessary to do so,
- (n) prohibiting peace officers from consuming alcohol while on duty, except in the performance of the peace officer's duties,
- (o) prohibiting peace officers from consuming controlled drugs and controlled substances under the *Controlled Drugs and Substances Act* (Canada), and
- (p) 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.

Records management systems

14(1) Every authorized employer must establish and maintain a records management system that meets the requirements of subsection (2).

(2) The records management system must include the following information with respect to each peace officer employed or engaged for services by the authorized employer, unless the Director otherwise permits:

- (a) the training undertaken and the certificates held by each peace officer employed or engaged for services by the authorized employer;
- (b) copies of complaints with investigative results and details of the disposition of the complaint;
- (c) the date each peace officer ceased to be employed or engaged for services as a peace officer by the authorized employer and the reason for the cessation;
- (d) each peace officer's oath of office;
- (e) each peace officer's letter of appointment.

Operational records system

15 An authorized employer must establish and maintain an operational records system showing at least the following information:

- (a) the investigations started and continued by peace officers employed or engaged for services by the authorized employer and the disposition of each investigation;
- (b) evidence seized and how it is recorded, stored and disposed of;
- (c) operational logs dealing with daily operations, including calls and complaints;
- (d) a record of serious incidents involving a peace officer employed or engaged for services by the authorized employer;
- (e) shift schedules;

- (f) any memorandum of understanding between the authorized employer and one or more police services.

Retention of records**16** An authorized employer must

- (a) retain and keep in good condition records relating to complaints about peace officers, the investigation of the complaints and the disposition of complaints for at least 5 years after the complaint was made, and
- (b) retain and keep in good condition all other records made with respect to the administration, management and operations relating to peace officers for at least 3 years after the record was made.

Memorandum of understanding

17(1) Unless exempted by the Minister, every authorized employer must enter into and maintain a memorandum of understanding with a police service that

- (a) unless the Minister otherwise permits, contains at least terms dealing with the matters described in subsection (2), and
- (b) is approved by the Minister.

(2) The terms of a memorandum of understanding must include at least the following terms:

- (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 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, and
 - (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.
- (3)** A memorandum of understanding may only be amended
- (a) by agreement of the parties to the memorandum of understanding, and
 - (b) with the approval of the Minister.
- (4)** If the Minister is satisfied either party has contravened a memorandum of understanding, the memorandum of understanding may be terminated by the Minister on written notice to the parties to the memorandum of understanding.

Part 3

Uniforms

Uniforms

- 18(1)** Unless exempted by the Minister or by subsection (3), a peace officer must wear the following uniform:
- (a) dark blue-black outer jacket;
 - (b) dark blue shirt and blue-black pants with a blue stripe or dark grey shirt with blue-black pants with a grey stripe;
 - (b.1) a white shirt and blue-black pants with or without a blue or grey stripe, if permitted by the Minister;
 - (c) if a hat or head covering is worn, colours must correspond to the uniform;
 - (d) shoulder flashes on the uniform as approved by the Director;
 - (e) a safety vest or jacket of a colour specified by the Director having the words “Peace Officer” or other words approved by the Director on the back.

(2) Dress uniforms are permitted if the shoulder flashes on the uniform are approved by the Director.

(3) Subsection (1) does not apply to

- (a) a peace officer operating automated traffic enforcement technology,
- (b) a peace officer the nature of whose work does not require a uniform and who is exempt from uniform requirements by the Director,
- (c) a wildlife officer appointed under section 1.1(1) of the *Wildlife Act*,
- (d) a conservation officer appointed under section 1 of Schedule 3.1 to the *Government Organization Act*,
- (e) a peace officer the nature of whose work requires the peace officer to work in plainclothes and who is exempted from uniform requirements by the Director, and
- (f) a peace officer who is employed or engaged for services by an employer authorized as a result of an application made under section 3.

(4) This section comes into force on May 1, 2009.

AR 213/2006 s18;151/2011

Part 4 Fees

Fees and exemptions from fees

19(1) The following groups are exempt from the payment of fees under this Regulation:

- (a) an employer authorized to employ or engage the services of a peace officer under the *Special Constable Regulation* before this Regulation comes into force with respect to applications for or amendments to employer authorizations under this Regulation;
- (b) out of province police services, police officers, peace officer agencies and peace officers;
- (c) the Crown and Crown agencies.

(2) Subject to subsection (1), the fee prescribed in Column 2 must be paid for the application described in Column 1.

Column 1	Column 2
Application for employer authorization	\$ 1000.00
Application for appointment as peace officer, for each application	\$ 100.00

Part 5 Complaints

Acknowledgement of complaints

20 On receipt of a complaint under section 14 of the Act, the authorized employer must acknowledge to the complainant receipt of the complaint in writing within 30 days and, where the Director deems appropriate, notify the peace officer concerned that a complaint has been made and advise the complainant of the status of the complaint in accordance with section 15(3) of the Act.

Investigation of complaints

21(1) If an investigation is carried out in respect of a complaint under section 14 of the Act, the authorized employer must, where the Director deems appropriate, give the peace officer notice of the details of the complaint.

(2) The investigation must be carried out in accordance with the authorized employer's policies and procedures provided to the Director under section 2.

Disposition of complaints

22(1) Subject to section 15(1) of the Act, the authorized employer must dispose of a complaint by making one of the following decisions and giving reasons for the decision:

- (a) the complaint is unfounded;
- (b) the complaint is unsubstantiated;
- (b.1) having regard to all of the circumstances of the complaint, no investigation is necessary;
- (c) the complaint is found to have merit in whole or in part;
- (d) the complaint is frivolous, vexatious or made in bad faith.

(2) If a complaint about a peace officer is found to have merit or is founded in part, the authorized employer must take action in accordance with the authorized employer's disciplinary policy submitted under section 2(1)(f) and must notify the complainant,

the peace officer concerned and the Director of the disposition and action taken in accordance with section 15(3)(b) of the Act.

AR 312/2006 s22;151/2011

Part 6 Review and Coming Into Force

Expiry

23 For the purpose of ensuring that this Regulation is reviewed for ongoing relevance 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 312/2006 s23;151/2011

Coming into force

24 This Regulation comes into force on the coming into force of section 29 of the Act.

Schedule 1

Oath of Office for Peace Officers

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)

Signature



Printed on Recycled Paper 