

2024 Bill 11

First Session, 31st Legislature, 2 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 11

PUBLIC SAFETY STATUTES AMENDMENT ACT, 2024

THE MINISTER OF PUBLIC SAFETY AND EMERGENCY SERVICES

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 11

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2024

PUBLIC SAFETY STATUTES AMENDMENT ACT, 2024

(Assented to , 2024)

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

Corrections Act

Amends RSA 2000 cC-29

1(1) The *Corrections Act* is amended by this section.

(2) Section 1 is amended by adding the following after clause (c):

(c.01) “electronic monitoring” means the use of electronic technology to supervise and monitor the location, movements, activity, communication, specific behaviour or biometrics of an individual against whom a condition for electronic monitoring has been imposed by a court;

(3) Section 2 is amended by adding the following after clause (f):

(g) the administration and oversight of an electronic monitoring program, including the establishment of protocols and procedures for the operation of the program and the monitoring of compliance with electronic monitoring conditions.

(4) Section 33 is amended by adding the following after clause (dd):

(dd.1) relating to an electronic monitoring program;

Explanatory Notes

Corrections Act

1(1) Amends chapter C-29 of the Revised Statutes of Alberta 2000.

(2) Adds definition.

(3) Adds administration and oversight of an electronic monitoring program to Minister's responsibilities.

(4) Adds regulation-making authority.

(5) This section comes into force on Proclamation.

Police Act

Amends RSA 2000 cP-17

2(1) The *Police Act* is amended by this section.

(2) Section 1 is amended

(a) by adding the following after clause (f.3):

(f.4) “independent agency police service” means a police service established under Part 3.2;

(b) by adding the following after clause (i):

(i.1) “Oversight Board” means the Independent Agency Police Service Oversight Board established under section 33.8;

(c) in clause (k) by striking out “or” at the end of subclause (iii), by adding “or” at the end of subclause (iv) and by adding the following after subclause (iv):

(v) is a member of an independent agency police service;

(d) in clause (l) by adding the following after subclause (v):

(vi) an independent agency police service;

(3) Section 3.1(a) is amended by striking out “and” at the end of subclause (ii) and by adding the following after subclause (ii):

(ii.1) the Oversight Board, and

(4) Section 8(2) is amended

(a) in clause (a.1) by striking out “chiefs of police and commissions” and substituting “chiefs of police services, commissions and the Oversight Board”;

(b) in clause (c) by adding “, the Oversight Board” after “commissions”;

(5) Coming into force.

Police Act

2(1) Amends chapter P-17 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(k) “police officer” means an individual who

(iii) is a member of the provincial police service, or

(iv) is a member of a First Nation police service;

(l) “police service” means

(v) a First Nation police service;

(3) Section 3.1 presently reads in part:

3.1 The Minister may, subject to the regulations,

(a) establish standards for

(ii) police commissions, and

(4) Section 8(2) presently reads in part:

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

(a.1) monitoring the handling by chiefs of police and commissions of complaints;

(c) in clause (e)

- (i) by adding** “the Oversight Board,” **after** “commissions,”;
- (ii) by striking out** “chiefs of police” **and substituting** “chiefs of police services”.

(5) Section 17(1)(a.1) is amended by adding “or the Oversight Board” **after** “commission”.

(6) Section 20 is amended

(a) in subsection (1)(d)(i) by striking out “chief of police” **and substituting** “chief of a police service”;

(b) by repealing subsection (1.1) and substituting the following:

(1.1) On an application for review under section 43(12)(b)(i) of a decision of a commission or the Oversight Board, the Board, without a hearing, shall review the record of the proceedings under section 43(8), (9) or (10) and the reasons for the decision of the commission or Oversight Board, as the case may be, and may

- (a)** affirm the decision of the commission or Oversight Board, as the case may be, or
- (b)** refer the complaint back to the commission, Oversight Board or chief of the police service, as the case may be, with directions that the complaint be dealt with in accordance with Part 5.

(c) in subsection (2)(b)(iii) and (iv)

- (i) in paragraph (A) by striking out** “chief of police” **and substituting** “chief of the police service”;
- (ii) by striking out** “or” **at the end of paragraph (A), by adding** “or” **at the end of paragraph (B) and by adding the following after paragraph (B):**

- (c) *developing and promoting programs to enhance professional practices, standards and training for police services, commissions and policing committees;*
- (e) *consulting with and advising councils, commissions, policing committees, chiefs of police and authorized employers of peace officers appointed under the Peace Officer Act on matters relating to police and policing;*

(5) Section 17(1)(a.1) presently reads:

17(1) The Board

(a.1) shall conduct reviews of decisions of a commission referred to the Board under section 43(12)(b)(i),

(6) Section 20 presently reads in part:

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

(d) the Board may require

(i) the chief of police in respect of an investigation or a hearing conducted under section 45, or

to produce to the Board, prior to an appeal or an inquiry, copies of all investigation reports, statements, correspondence or other documents or things relating to the matter;

(1.1) On an application for review under section 43(12)(b)(i) of a decision of a commission, the Board shall without a hearing review the record of the proceedings under section 43(8), (9) or (10) and the reasons for the commission's decision and may

(a) affirm the decision of the commission, or

(b) refer the complaint back to the commission or the chief with directions that the complaint be dealt with in accordance with Part 5.

(2) Where the Board concludes an appeal

(b) in the case of an appeal commenced under section 48 from a matter in respect of which a hearing has not been held, the Board may

(C) the Oversight Board, in the case of a complaint made in respect of the chief of an independent agency police service,

(d) in subsection (3) by adding the following after clause (c):

(c.1) the Oversight Board;

(7) Section 28 is amended by adding the following after subsection (4):

(4.1) A member of a commission shall not be a full-time member of the commission.

(8) Section 28.1 is amended

(a) in subsection (1) by adding “and the Oversight Board” after “committee”;

(b) in subsection (2)(a), (b) and (d) by adding “, Oversight Board” after “commission”;

(c) in subsection (3)

(i) in clause (a) by striking out “chief of police” and substituting “chief of the police service”;

(ii) by repealing clause (b) and substituting the following:

(iii) *direct*

(A) *the chief of police, in the case of a complaint made in respect of a police officer, or*

(B) *the commission, in the case of a complaint made in respect of a chief of police,*

to lay a charge under the regulations governing the discipline or the performance of duty of police officers,

(iv) *direct*

(A) *the chief of police, in the case of a complaint made in respect of a police officer, or*

(B) *the commission, in the case of a complaint made in respect of the chief of police,*

to have the matter investigated again,

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

(c) *the commission;*

(7) Prohibits full-time commission members.

(8) Section 28.1 presently reads in part:

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

(2) The Public Complaint Director may be

(a) a member of the commission or policing committee other than a member of the council,

(b) an employee of the commission or policing committee,

(d) another person, other than a member of the council, who in the opinion of the commission or policing committee is qualified to serve in that capacity, or

(b) act as a liaison between the commission, the Oversight Board, the policing committee, the chief of the police service, the officer in charge of a police service and the complainant, as applicable,

(iii) in clauses (c) and (g) by adding “, Oversight Board” after “commission” wherever it occurs.

(9) Section 29 is amended

(a) by renumbering subsection (1) as subsection (1.1) and by adding the following before subsection (1.1):

Police budgets and plans

29(1) For the purposes of this section, “financial year” means calendar year.

(b) in subsection (1.1)(a) by striking out “fiscal” and substituting “financial”.

(10) Section 31(2) is amended by striking out “Every” and substituting “Subject to Part 3.2, every”.

(11) The following is added after section 33.3:

(3) *The Public Complaint Director shall*

- (a) *receive complaints against police officers from the public and refer them to the chief of police under section 43(1),*
- (b) *act as a liaison between the commission, policing committee, the chief of police, the officer in charge of a police service and the complainant as applicable,*
- (c) *perform the duties assigned by the commission or policing committee in regard to complaints,*
- (g) *provide reports to the commission or policing committee, as required by the commission or policing committee.*

(9) Section 29 presently reads in part:

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

- (a) *estimates of all money required for the fiscal year to*
 - (i) *pay the remuneration of the police officers and other persons employed for the police service, and*
 - (ii) *provide and pay for the maintenance of accommodation, equipment and operating costs of the police service,*

and

- (b) *a yearly plan specifying the level of police service and programs to be provided in respect of the municipality,*

and shall submit those estimates and plans to the council.

(10) Section 31(2) presently reads:

(2) *Every police officer*

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

(11) Part 3.2 Independent Agency Police Services.

Part 3.2 Independent Agency Police Services

Independent agency police service

33.4(1) The Lieutenant Governor in Council, by order, may authorize the Minister to establish one or more independent agency police services for the provision of policing services to all or any part of Alberta in accordance with the regulations.

(2) An independent agency police service established under subsection (1) shall be, subject to the regulations, under the general direction of the Minister in matters respecting policing services to all or any part of Alberta.

(3) An independent agency police service established under subsection (1) shall perform additional duties and responsibilities prescribed in the regulations.

Appointment of chiefs of independent agency police services

33.5(1) The Minister, on the recommendation of the Oversight Board, shall appoint the chief of an independent agency police service.

(2) For the purpose of subsection (1), the Oversight Board may make more than one recommendation to the Minister, and the Minister may ask for additional recommendations from the Oversight Board, if necessary.

(3) To be eligible to be appointed as a chief of an independent agency police service, a person must be a Canadian citizen and meet the other qualifications specified by the regulations.

(4) The chief of an independent agency police service appointed under subsection (1), before commencing the chief's duties, shall take the oath set out in Schedule 3, with necessary modifications.

Appointment of police officers of independent agency police services

33.6(1) The chief of an independent agency police service shall appoint the police officers of that independent agency police service.

(2) To be eligible to be appointed as a police officer of an independent agency police service, a person must be a Canadian citizen and meet the other qualifications specified by the regulations and the Oversight Board.

(3) Each police officer appointed under subsection (1), before commencing the police officer's duties, shall take the oath set out in Schedule 3, with necessary modifications.

(4) Subject to the regulations, the chief of an independent agency police service may establish a probationary period of service for a person who is

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

Duties of chiefs of independent agency police services

33.7(1) The chief of an independent agency police service is responsible for the following:

- (a) the preservation and maintenance of the public peace and the prevention of crime as specified in the regulations;
- (b) the maintenance of discipline and the performance of duty within the independent agency police service, subject to the regulations governing the discipline and the performance of duty of police officers of the independent agency police service;
- (c) the day to day administration of the independent agency police service;
- (d) the application of professional police procedures;
- (e) the enforcement of policies made by the Minister with respect to the independent agency police service;
- (f) additional functions prescribed in the regulations.

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

(3) The chief of an independent agency police service is accountable to the Oversight Board for the following:

- (a) the operation of the independent agency police service;
- (b) the manner in which the chief of the independent agency police service carries out the responsibilities under subsection (1);
- (c) the administration of the finances and operations of the independent agency police service in keeping with the yearly plan or any amendments to it that the Oversight Board may make;

- (d) the reporting to the Oversight Board of any information concerning the activities of the independent agency police service that the Oversight Board may request, other than information concerning individual investigations or intelligence files;
 - (e) the reporting to the Oversight Board of any complaint made against the independent agency police service or its members, the progress of any investigation or informal resolution process regarding the complaint, the reasons for any delays and the manner in which the complaint is resolved;
 - (f) additional responsibilities prescribed in the regulations.
- (4) The Oversight Board shall not issue an instruction respecting policies that is inconsistent with the duties and responsibilities conferred on a chief of an independent agency police service under this section.

Independent Agency Police Service Oversight Board

33.8(1) The Independent Agency Police Service Oversight Board is established, consisting of the Deputy Minister of Public Safety and Emergency Services and 8 other members appointed by the Minister in accordance with the regulations.

(2) A member of the Oversight Board must be appointed for a term of not more than 3 years and, subject to the *Alberta Public Agencies Governance Act* and any applicable regulations under that Act, is eligible for reappointment.

(3) Notwithstanding that the term of office of a member of the Oversight Board may have expired, the member continues to hold office until

- (a) the member is reappointed,
- (b) a successor is appointed, or
- (c) a period of 6 months has elapsed,

whichever occurs first.

(4) Notwithstanding subsection (1), the Oversight Board may continue to perform its duties and functions despite the vacancy of a member required by subsection (3).

(5) A member of the Oversight Board shall not be a full-time member of the Oversight Board.

(6) A member of the Oversight Board shall not be

- (a) a member of the Legislative Assembly of Alberta, or
 - (b) a member of an independent agency police service.
- (7) Each member of the Oversight Board shall be a resident of Alberta and shall remain a resident of Alberta during the term of office of that member.
- (8) The members of the Oversight Board shall be paid
- (a) fees or remuneration, and
 - (b) expenses for subsistence and travelling while absent from their ordinary places of residence in the course of their duties as members of the Oversight Board,

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

(9) If regulations under the *Alberta Public Agencies Governance Act* apply in respect of fees, remuneration or expenses to be paid to members of the Oversight Board, those regulations prevail, to the extent of any conflict or inconsistency, over any regulations prescribing fees, remuneration or expenses under subsection (8).

(10) Each member of the Oversight Board shall take the oath set out in Schedule 1, with necessary modifications.

(11) The members of the Oversight Board, at the first meeting of the Oversight Board in each year, shall elect from among their members, other than the Deputy Minister of Public Safety and Emergency Services, a chair.

Powers, duties and functions of the Oversight Board

33.9(1) The Oversight Board shall oversee the policing services provided by independent agency police services, including additional duties and responsibilities performed by independent agency police services under this Act and the regulations.

(2) The Oversight Board, in consultation with the chiefs of the independent agency police services, shall

- (a) cause to be prepared estimates of all money required for the fiscal year to
 - (i) pay the remuneration of the police officers of the independent agency police services and other persons employed for the independent agency police services, and

(ii) provide and pay for the maintenance of accommodation, equipment and operating costs of the independent agency police services,

and submit those estimates to the Minister,

(b) allocate funds for the purposes referred to in clause (a),

(c) ensure that sufficient numbers of persons are employed for the independent agency police services for the purposes of carrying out the functions of the independent agency police services,

(d) develop a diversity and inclusion plan in conjunction with the independent agency police services, and

(e) exercise other powers and perform other duties and functions specified by the regulations.

(3) Where an employee other than a police officer is employed for the independent agency police service, the Oversight Board may release the employee from the independent agency police service subject to the provisions of any collective agreement that applies to that employee.

Accountability of police officers

33.91 Every police officer of an independent agency police service

(a) shall be subject to the jurisdiction of the chief of that independent agency police service and the Oversight Board, and

(b) shall obey the directions of the chief of that independent agency police service and the Oversight Board.

Oversight Board inquiry

33.92(1) The Oversight Board may conduct an inquiry into any matter respecting an independent agency police service or the actions of any police officer or other person employed for an independent agency police service.

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

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

- (4) Where the Oversight Board intends to conduct an inquiry under this section, it shall advise the Minister, before commencing the inquiry, of its intention to conduct the inquiry.
- (5) The Lieutenant Governor in Council may by order appoint a person
- (a) to act as the chair of the inquiry, or
 - (b) to conduct the inquiry on behalf of the Oversight Board.
- (6) Where the Lieutenant Governor in Council makes an order under subsection (5)(b), the person so appointed shall, in the place of the Oversight Board or any committee of the Oversight Board, conduct the inquiry under this section on behalf of the Oversight Board.
- (7) The persons conducting an inquiry under this section, for the purpose of conducting that inquiry, have all the powers of a commissioner under the *Public Inquiries Act*.
- (8) Where, from the evidence before the inquiry, the chair of the inquiry is of the opinion that there is sufficient evidence that the actions of a specific police officer constitute or may constitute a contravention of the regulations governing the discipline or the performance of duty of police officers, the chair shall report that matter to the Oversight Board.
- (9) On receiving a report under subsection (8), the Oversight Board shall proceed to have the actions of the specific police officer dealt with under Part 5.
- (10) Notwithstanding that a report is made under subsection (8), the persons conducting the inquiry may proceed with the inquiry but shall not make any recommendations concerning the disposition under Part 5 of the matter in respect of which the report was made.
- (11) When an inquiry is completed, the chair of the inquiry shall provide a written report of the findings of the inquiry and any recommendations
- (a) to the Oversight Board, and
 - (b) to the Minister.
- (12) The Board shall not commence an inquiry under section 17(1)(a) with respect to a matter that is the subject of an inquiry being conducted under this section until the inquiry under this section is completed.

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

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

Uniforms and insignia

33.93 A member of an independent agency police service shall wear only the uniform and insignia approved by the Oversight Board.

Minister's responsibilities

33.94 The Minister shall

- (a) develop policies and priorities for independent agency police services,
- (b) provide general directions to the Oversight Board regarding the operations of independent agency police services, and
- (c) perform additional duties and functions provided for in the regulations for the purposes of this Part.

(12) Section 34 is amended by striking out "To be" and substituting "Subject to Part 3.2, to be".

(13) Section 36(1) is amended by striking out "The" and substituting "Subject to Part 3.2, the".

(14) Section 37(1) is amended by striking out "chief of police" and substituting "chief of the police service".

(15) Section 43 is amended

(12) Section 34 presently reads:

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

(13) Section 36(1) presently reads:

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

(a) appoint the chief of police, subject to subsection (1.1), and

(b) appoint police officers.

(14) Section 37(1) presently reads:

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

(15) Section 43 presently reads in part:

(a) in subsection (1) by striking out “chief of police” and substituting “chief of the police service”;

(b) by adding the following after subsection (2):

(2.1) All complaints with respect to the chief of an independent agency police service must be referred to the chair of the Oversight Board.

(c) in subsections (4) and (6) by striking out “chief of police” and substituting “chief of the police service”;

(d) by adding the following after subsection (7):

(7.1) If, at any time before or during an investigation into a complaint under subsection (1), it appears to the chief of the independent agency police service that the complaint is clearly frivolous, vexatious or made in bad faith, the chief of the independent agency police service may recommend in writing to the Oversight Board that the complaint be dismissed.

(e) by repealing subsection (8) and substituting the following:

(8) On consideration of the recommendation of the chief under subsection (7) or (7.1), and after reviewing the written complaint and making any inquiries the commission or Oversight Board considers necessary, the commission or the Oversight Board may dismiss the complaint or direct the chief of the relevant police service to deal with the complaint in accordance with this Part.

(f) in subsection (9) by striking out “commission” wherever it occurs and substituting “commission or Oversight Board”;

(g) in subsection (9.1) by striking out “commission” and substituting “commission or Oversight Board, as the case may be,”;

(h) in subsection (10) by striking out “commission” wherever it occurs and substituting “commission or Oversight Board”;

(i) in subsection (10.1) by striking out “commission” and substituting “commission or Oversight Board, as the case may be,”;

(j) by repealing subsection (11) and substituting the following:

(11) The chief of the police service, with respect to a complaint referred under subsection (1), or the commission or Oversight Board, with respect to a complaint referred under subsection (2) or (2.1) or section 46(1), as the case may be, shall dismiss any complaint that is made more than one year after

43(1) All complaints with respect to a police service or a police officer, other than the chief of police, shall be referred to the chief.

(2) All complaints with respect to the chief of police must be referred to the chair of the commission.

(4) On receipt of a complaint under subsection (1), the chief of police shall determine whether the complaint or a portion of the complaint is a complaint as to

*(a) the policies of or the services provided by the police service,
or*

(b) the actions of a police officer.

(6) Where the chief of police initiates a complaint with respect to a police officer, the chief shall deal with it in the same manner as if it were made by another person and referred to the chief under subsection (1).

(7) If, at any time before or during an investigation into a complaint under subsection (1), it appears to the chief of police that the complaint is clearly frivolous, vexatious or made in bad faith, the chief may recommend in writing to the commission that the complaint be dismissed.

(8) On consideration of the recommendation of the chief of police under subsection (7), and after reviewing the written complaint and making any inquiries the commission considers necessary, the commission may dismiss the complaint or direct the chief to deal with the complaint in accordance with this Part.

(9) If, at any time before or during an investigation into a complaint under subsection (2) or section 46(1), it appears to the commission that the complaint is clearly frivolous, vexatious or made in bad faith, the commission may dismiss the complaint.

(9.1) If a complainant under subsection (2) or section 46(1) refuses or fails to participate in an investigation, the commission may dismiss the complaint.

(10) Where a complaint is referred to the commission under section 44(1) and it appears to the commission at any time that the complaint is clearly frivolous, vexatious or made in bad faith, the commission may dismiss the complaint.

- (a) the conduct complained of occurred, or
- (b) the complainant first knew or ought to have known that the conduct complained of had occurred,

whichever occurs later.

(k) in subsection (12)

- (i) **by striking out “commission” wherever it occurs and substituting “commission or Oversight Board”;**
- (ii) **in clause (b)(i) by striking out “chief of police” and substituting “chief of a police service”;**

(l) by repealing subsection (13) and substituting the following:

(13) If the chief of the police service, the commission or the Oversight Board dismisses a complaint under subsection (11), the commission or Oversight Board, as the case may be, shall notify the complainant and the police officer who is the subject of the complaint, if any, of the decision in writing.

- (m) in subsection (14) by striking out “commission” and substituting “commission or Oversight Board, as the case may be,”.**

(16) Section 43.1 is amended

(10.1) If a complainant under section 44(1) refuses or fails to participate in an investigation, the commission may dismiss the complaint.

(11) The chief of police, with respect to a complaint referred under subsection (1), or the commission, with respect to a complaint referred under subsection (2) or section 46(1), shall dismiss any complaint that is made more than one year after

- (a) the conduct complained of occurred, or*
- (b) the complainant first knew or ought to have known that the conduct complained of had occurred,*

whichever occurs later.

(12) If the commission decides under subsection (8), (9), (9.1), (10) or (10.1) to dismiss a complaint, the commission shall notify the complainant and the police officer who is the subject of the complaint, if any, in writing of

- (a) the decision and the reasons for the decision, and*
- (b) the right of the complainant, within 30 days of receiving the notice, to request*
 - (i) the Board, with regard to a complaint or portion of a complaint as to the actions of a police officer or a chief of police, or*
 - (ii) the commission, with regard to a complaint or portion of a complaint as to the policies of or services provided by a police service,*

to review the decision.

(13) If the chief of police or the commission dismisses a complaint under subsection (11), the commission shall notify the complainant and the police officer who is the subject of the complaint, if any, of the decision in writing.

(14) A request by a complainant under subsection (12)(b) for review of a decision of the commission must be in writing and set out the complainant's reasons for requesting the review.

(16) Section 43.1 presently reads:

- (a) **in subsection (0.1) by striking out** “chief of police or the chair of the commission” **and substituting** “chief of a police service, the chair of the commission or chair of the Oversight Board, as the case may be,”;
- (b) **in subsection (1)**
 - (i) **by striking out** “chief of police” **and substituting** “chief of the police service”;
 - (ii) **by striking out** “chief may” **and substituting** “chief of the police service may”;
- (c) **in subsection (2)**
 - (i) **by striking out** “chief of police” **and substituting** “chief of a police service”;
 - (ii) **by striking out** “chair of the commission” **and substituting** “chair of the commission or chair of the Oversight Board, as the case may be,”.

(17) Section 44 is amended

- (a) **in subsection (1)**
 - (i) **by striking out** “chief of police” **and substituting** “chief of the police service”;
 - (ii) **by repealing clause (b) and substituting the following:**
 - (b) refer the matter to the commission or Oversight Board to take whatever action the commission or Oversight Board considers appropriate.
- (b) **in subsection (2)**
 - (i) **by striking out** “chief of police or the commission” **and substituting** “chief of a police service, the commission or the Oversight Board, as the case may be,”;
 - (ii) **by striking out** “chief shall” **and substituting** “chief of the police service shall”;
 - (iii) **in clause (b) by striking out** “commission” **and substituting** “commission or Oversight Board, as the case may be,”;

43.1(0.1) The chief of police or the chair of the commission shall, where appropriate, offer an alternative dispute resolution process to the complainant and the police officer who is the subject of the complaint prior to commencing a formal investigation of the complaint.

(1) At any time before or during an investigation into a complaint with respect to the actions of a police officer other than the chief of police, if the complainant and the police officer who is the subject of the complaint consent, the chief may attempt to resolve the complaint informally.

(2) At any time before or during an investigation into a complaint with respect to the actions of a chief of police, if the complainant and the chief consent, the chair of the commission may attempt to resolve the complaint informally.

(17) Section 44 presently reads:

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

(a) take whatever action the chief considers appropriate, if any, or

(b) refer the matter to the commission for it to take whatever action it considers appropriate.

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

(a) as to the disposition of the matter in respect of which the complaint was made, and

(b) of the complainant's right to appeal the matter to the commission if the complainant is not satisfied with the disposition of the matter.

(3) Where a complaint is disposed of under subsection (1), the complainant may, within 30 days from the day the complainant was

- (c) in subsection (3) by striking out “commission” and substituting “commission or Oversight Board, as the case may be”;**
- (d) in subsection (4) by striking out “commission” wherever it occurs and substituting “commission or Oversight Board”;**
- (e) by repealing subsection (5) and substituting the following:**
 - (5)** Notwithstanding subsection (4), a commission or the Oversight Board may appoint a committee consisting of not fewer than 3 members of that commission or the Oversight Board to conduct appeals made to the commission or Oversight Board under subsection (3), as the case may be.
- (f) in subsections (6), (7), (8) and (9) by striking out “commission” wherever it occurs and substituting “commission or Oversight Board”;**
- (g) in subsection (10)**
 - (i) by striking out “chief of police” and substituting “chief of the police service”;**
 - (ii) by striking out “commission” and substituting “commission or Oversight Board, as the case may be,”;**
 - (iii) by striking out “disposition by the chief” and substituting “disposition by the chief of the police service”;**
- (h) in subsection (11) by striking out “chief of police” and substituting “chief of the police service”;**
- (i) in subsection (12) by striking out “commission” and substituting “commission or Oversight Board, as the case may be”.**

(18) Section 45 is amended

- (a) in subsection (1)**

advised of the disposition of the complaint, appeal the disposition of the complaint to the commission.

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

(a) review the matter, and

(b) take whatever action it considers appropriate, if any.

(5) Notwithstanding subsection (4), a commission may appoint a committee consisting of not fewer than 3 members of that commission to conduct appeals made to the commission under subsection (3).

(6) Where a committee of the commission finishes conducting an appeal under this section, it shall make a recommendation to the commission with respect to the disposition of the appeal.

(7) On reviewing the recommendation made under subsection (6), the commission shall take whatever action it considers appropriate, if any.

(8) The commission or, where a committee of the commission is conducting an appeal, the committee, may conduct a hearing into the matter being appealed.

(9) On disposing of an appeal, the commission shall advise the complainant in writing as to the disposition of the appeal.

(10) The chief of police shall make a report in writing to the commission of all complaints made as to the policies of or services provided by the police service and the disposition by the chief of the complaints.

(11) The chief of police, in the case of a complaint under this section, must advise the complainant in writing at least once every 45 days as to the status of the complaint.

(12) A copy of the document sent to the complainant under subsection (11) must be provided to the commission.

(18) Section 45 presently reads:

45(0.1) For the purposes of this section and sections 46 and 46.1, "police service" includes the Royal Canadian Mounted Police and a

- (i) **by striking out** “chief of police” **and substituting** “chief of the police service”;
 - (ii) **by striking out** “chief shall” **and substituting** “chief of the police service shall”;
- (b) **in subsection (2) by striking out** “chief of police” **and substituting** “chief of the police service”;
- (c) **in subsection (3) by striking out** “chief of police” **wherever it occurs and substituting** “chief of the police service”;
- (d) **in subsection (4)**
 - (i) **by striking out** “chief of police” **and substituting** “chief of the police service”;
 - (ii) **by striking out** “chief may” **and substituting** “chief of the police service may”;
- (e) **in subsection (4.1) by striking out** “chief of police” **wherever it occurs and substituting** “chief of the police service”;
- (f) **in subsection (5)**
 - (i) **by striking out** “chief of police or the commission” **and substituting** “chief of the police service, the commission or the Oversight Board, as the case may be,”;
 - (ii) **by striking out** “chair of the commission” **and substituting** “chair of the commission or chair of the Oversight Board, as the case may be,”;
 - (iii) **by striking out** “chief of police or of the commission” **and substituting** “chief of the police service, the commission or the Oversight Board, as the case may be”;
- (g) **in subsection (6)**
 - (i) **by striking out** “chair of the commission” **and substituting** “chair of the commission or chair of the Oversight Board, as the case may be,”;
 - (ii) **by striking out** “as a chief of police” **and substituting** “as the chief of a police service”;
- (h) **in subsection (7) by striking out** “chief of police” **and substituting** “chief of the police service”;

regional, provincial or municipal police service established under an enactment of another province or territory.

(1) Where a complaint is a complaint as to the actions of a police officer other than the chief of police, subject to sections 43 and 43.1, the chief shall cause the complaint to be investigated.

(2) If, after causing the complaint to be investigated, the chief of police is of the opinion that the actions of a police officer may constitute

(a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the chief shall refer the matter to the Minister of Justice, or

(b) a contravention of the regulations governing the discipline or the performance of duty of police officers, the chief shall cause the matter to be proceeded with under subsection (3).

(3) Where the chief of police is of the opinion that the actions of a police officer constitute a contravention of the regulations governing the discipline or the performance of duty of police officers, the chief of police, or a person designated by the chief of police who, pursuant to the regulations, is eligible to serve as the presiding officer at a hearing, shall conduct a hearing into the matter as it relates to that contravention.

(4) Notwithstanding subsection (3), if the chief of police is of the opinion that the alleged contravention of the regulations governing the discipline or the performance of duty of police officers is not of a serious nature, the chief may, subject to the regulations, dispose of the matter without conducting a hearing.

(4.1) Where the chief of police disposes of a matter under subsection (4), the decision of the chief of police is final.

(5) If a police officer is the subject of an investigation or hearing, the chief of police or the commission may request the chair of the commission to make arrangements for another police service to provide the necessary police officers to conduct the investigation, present the case or preside at the hearing, or perform any combination of those functions, as the case may be, if in the opinion of the chief of police or of the commission,

- (i) **in subsection (8) by striking out “commission” and substituting “commission or Oversight Board, as the case may be”.**

(19) Section 46 is amended

- (a) **by repealing subsection (1) and substituting the following:**

Complaints re chiefs

46(1) Where the chair of a commission or chair of the Oversight Board receives a complaint as to the actions of the chief of a police service, the chair of the commission or chair of the Oversight Board, subject to sections 43 and 43.1, shall refer the complaint to the commission or Oversight Board, as the case may be.

- (b) **in subsection (2)**

- (i) **by striking out “commission is” and substituting “commission or Oversight Board, as the case may be, is”;**
- (ii) **by striking out “chief of police” and substituting “chief of the police service”;**
- (iii) **by striking out “chair of the commission” and substituting “chair of the commission or chair of the Oversight Board, as the case may be,”;**

- (c) **in subsection (2.1) by striking out “chair of the commission” and substituting “chair of the commission or chair of the Oversight Board”;**

- (d) **in subsection (2.2)**

(a) *there is not a police officer in the chief's police service who has sufficient rank and experience to carry out the functions, or*

(b) *it would be in the public interest to have one or more police officers of another police service carry out the functions.*

(6) *Where a police officer of another police service carries out any functions pursuant to arrangements made by the chair of the commission under subsection (5), that police officer has, for the purposes of carrying out those functions under subsections (1) to (4), the same powers as a chief of police.*

(7) *If a complaint is being investigated under this section, the chief of police must advise the complainant in writing at least once every 45 days as to the progress of the investigation.*

(8) *A copy of the document sent to the complainant under subsection (7) must be provided to the commission.*

(19) Section 46 presently reads in part:

46(1) Where the chair of a commission receives a complaint as to the actions of the chief of police, subject to sections 43 and 43.1, the chair shall refer the complaint to the commission.

(2) If, after reviewing the complaint, the commission is of the opinion that the actions of the chief of police may constitute

(a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, or

(b) a contravention of the regulations governing the discipline or the performance of duty of police officers,

the chair of the commission shall request the Minister to request or direct another police service to investigate the complaint.

(2.1) If the Minister receives a request from the chair of the commission under subsection (2), the Minister may request or direct that another police service investigate the complaint.

(2.2) Where a chief of police or a police officer of another police service carries out an investigation pursuant to a request or direction made under subsection (2.1), that chief or police officer has, for the purposes of carrying out the investigation, the same powers as a chief of police.

- (i) **by striking out** “Where a chief of police” **and substituting** “Where the chief”;
 - (ii) **by striking out** “as a chief of police” **and substituting** “as the chief of a police service”;
- (e) **in subsection (3)**
- (i) **by striking out** “chief of police” **and substituting** “chief”;
 - (ii) **by striking out** “commission” **wherever it occurs and substituting** “commission or Oversight Board”;
- (f) **in subsection (4) by striking out** “commission” **wherever it occurs and substituting** “commission or Oversight Board”;
- (g) **in subsection (5)**
- (i) **by striking out** “commission” **and substituting** “commission or Oversight Board”;
 - (ii) **by striking out** “it may” **and substituting** “the commission or Oversight Board may”;
- (h) **in subsection (6) by striking out** “commission” **wherever it occurs and substituting** “commission or Oversight Board”;
- (i) **in subsection (7) by striking out** “chair of the commission” **and substituting** “chair of the commission or chair of the Oversight Board, as the case may be,”.

(20) Section 46.1 is amended

- (a) **in subsection (1)**
- (i) **by striking out** “chief of police” **and substituting** “chief of the police service”;
 - (ii) **by striking out** “commission” **and substituting** “commission or the Oversight Board, as the case may be,”;

(3) If the chief of police or the police officer in charge of the police service requested or directed under subsection (2.1) to carry out the investigation is of the opinion that the actions of the chief that are the subject of the investigation constitute

(a) an offence under an Act of the Parliament of Canada or the Legislature of Alberta, that chief or police officer shall

(i) refer the matter to the Minister of Justice, and

(ii) advise the commission of that chief's or police officer's findings, unless the Minister of Justice otherwise directs,

or

(b) a contravention of the regulations governing the discipline or the performance of duty of police officers, that chief or police officer shall refer the matter to the commission.

(4) Where a matter is referred to the commission under subsection (3)(b), the commission shall conduct a hearing into the matter as it relates to the contravention of the regulations governing the discipline or the performance of duty of police officers.

(5) Notwithstanding subsection (4), if the commission is of the opinion that the contravention of the regulations governing the discipline or the performance of duty of police officers is not of a serious nature, it may, subject to the regulations, dispose of the matter without conducting a hearing.

(6) The commission may appoint a lawyer to present to the commission the matter that is the subject of the complaint.

(7) If a complaint is being investigated under this section, the chair of the commission must advise the complainant in writing at least once every 45 days as to the progress of the investigation.

(20) Section 46.1 presently reads in part:

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

(a) an incident occurs involving serious injury to or the death of any person that may have resulted from the actions of a police officer, or

(b) a complaint is made alleging that

- (b) in subsection (3) by striking out “A chief of police” and substituting “The chief of a police service”;**
- (c) in subsection (4)**
 - (i) by striking out “If the chief of police or police officer” and substituting “If the chief of a police service or the police officer”;**
 - (ii) by repealing clause (a)(ii) and substituting the following:**
 - (ii) advise the commission or Oversight Board, as the case may be, and the chief of the police service under investigation of the chief’s or police officer’s findings, unless the Minister of Justice otherwise directs,
 - (iii) in clause (b)**
 - (A) by striking out “commission” and substituting “commission or Oversight Board”;**
 - (B) by striking out “the chief of police” and substituting “a chief of a police service, as the case may be,”;**
 - (iv) in clause (c) by striking out “commission” and substituting “commission or Oversight Board, as the case may be”;**
- (d) by adding the following after subsection (4):**

(4.1) If the actions of a police officer that are the subject of an investigation constitute a matter of the policies of or services provided by an independent agency police service under investigation, the Oversight Board shall refer the matter to the Minister.
- (e) in subsection (6)**
 - (i) by striking out “chief of police or police officer” and substituting “chief or police officer”;**
 - (ii) by striking out “as a chief of police” and substituting “as the chief of a police service”;**
- (f) in subsection (7) by striking out “chief of police or police officer” and substituting “chief or police officer”;**
- (g) in subsection (8) by striking out “commission” and substituting “commission or Oversight Board, as the case may be”;**

- (i) *serious injury to or the death of any person may have resulted from the actions of a police officer, or*
 - (ii) *there is any matter of a serious or sensitive nature related to the actions of a police officer.*
- (3) *A chief of police or police officer acting under subsection (2)(a), (b) or (d) or a person appointed under subsection (2)(c) shall report as required to the Minister.*
- (4) *If the chief of police or police officer in charge of the police service conducting an investigation under subsection (2)(b) or (d) is of the opinion that the actions of the police officer that are the subject of the investigation constitute*
- (a) *an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the chief or police officer shall*
 - (i) *refer the matter to the Minister of Justice, and*
 - (ii) *advise the commission and the chief of police of the police service under investigation of the chief's or police officer's findings, unless the Minister of Justice otherwise directs,*
 - (b) *a contravention of the regulations governing the discipline or performance of duty of police officers, the chief or police officer shall refer the matter to the chief of the police service under investigation where it concerns the actions of a police officer, or to the commission where it concerns the actions of the chief of police, to be dealt with in accordance with this Part,*
 - (c) *a matter of the policies of or services provided by the police service under investigation, the chief or police officer shall refer the matter to the commission.*
- (6) *A chief of police or police officer of another police service who is assisting with an investigation under subsection (2)(a) or conducting an investigation under subsection (2)(b) or (d) has, for the purposes of assisting with or conducting that investigation, the same powers and duties as a chief of police.*
- (7) *A chief of police or police officer of another police service referred to in subsection (6) must advise a complainant, if any, in writing at least once every 45 days as to the status of the complaint.*

(h) in subsection (9)

- (i) by striking out “chief of police or police officer” and substituting “chief or police officer”;**
- (ii) by striking out “as a chief of police” and substituting “as the chief of a police service”.**

(21) Section 47 is amended

(a) in subsection (4)

- (i) by striking out “chief of police” wherever it occurs and substituting “chief of the police service”;**
- (ii) by striking out “commission” wherever it occurs and substituting “commission or Oversight Board, as the case may be,”;**

(b) in subsection (5)

- (i) in clause (a) by striking out “chief of police” and substituting “chief of the police service”;**
- (ii) in clause (b) by striking out “commission” and substituting “commission or Oversight Board, as the case may be,”.**

(8) A copy of the document sent to a complainant under subsection (7) must be provided to the commission.

(9) Where a chief of police or police officer of another police service carries out any functions pursuant to a request or direction made under subsection (2), that police officer may also be requested to present the case or preside at the hearing of the complaint, and if so requested, that police officer has, for the purpose of carrying out those additional functions, the same powers as a chief of police.

(21) Section 47 presently reads in part:

(4) On considering a matter that is the subject of a complaint,

(a) the chief of police or the chief's designate, in the case of a complaint under section 45, or

(b) the commission, in the case of a complaint under section 46,

may dismiss the matter or, subject to the regulations, take any action against the person in respect of whom the complaint is made that

(c) the chief of police or the chief's designate, in the case of a complaint under section 45, or

(d) the commission, in the case of a complaint under section 46,

considers proper in the circumstances.

(5) On making a decision after considering the matter in respect of which a complaint is made,

(a) the chief of police, in the case of a complaint under section 45, or

(b) the commission, in the case of a complaint under section 46,

shall in writing advise the person against whom the complaint is made and the complainant

(c) of the findings of the hearing and any action taken or to be taken under subsection (4), or

(d) where a hearing is not held, of the disposition of the complaint and the grounds on which the disposition was made,

(22) Section 48(1) is amended by striking out “chief of police” and substituting “chief of a police service”.

(23) Section 52 is amended by striking out “commission” and substituting “commission or the Oversight Board, as the case may be,”.

(24) Section 61(1) is amended

- (a) in clause (c) by striking out “police commissions and municipal policing committees” wherever it occurs and substituting “police commissions, municipal policing committees and the Oversight Board”;**
- (b) by adding the following after clause (d):**
 - (d.1) governing, subject to this Act, the appointment of members of a commission for the purpose of section 28(2.2);
 - (d.2) respecting, subject to this Act, other powers, duties and functions of the commission for the purpose of section 31(1)(g);
 - (d.3) governing, subject to this Act, the jurisdiction of an independent agency police service for the purpose of section 33.4;
 - (d.4) governing, subject to this Act, additional duties and responsibilities of independent agency police services for the purpose of section 33.4(3);

and of the right of appeal provided for under this Act.

(22) Section 48(1) presently reads:

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

(23) Section 52 presently reads:

52 A police service shall, in respect of a complaint made under section 44, 45 or 46.1, and the commission shall, in respect of a complaint made under section 46, at the end of the month in which the complaint is made or within a longer period of time as prescribed by the Director of Law Enforcement, advise the Director of the complaint and, after the disposition of the complaint, advise the Director as to how the complaint was disposed of and provide any other information respecting the investigation requested by the Director in a manner acceptable to and within a time period specified by the Director.

(24) Section 61(1) presently reads in part:

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

- (c) governing, subject to this Act, the training of police commissions and municipal policing committees, and the responsibility and duties of police commissions and municipal policing committees;*
- (e) governing probationary periods of service for police officers, chiefs of police and civilian employees of a police service;*
- (f) governing, subject to this Act,*
 - (ii) policing services provided pursuant to an agreement made under section 22(3), and*
 - (iii) First Nation police services;*

- (d.5) governing, subject to this Act, additional functions and responsibilities of the chiefs of independent agency police services for the purposes of section 33.7(1)(f) and (3)(f);
 - (d.6) respecting, subject to this Act, the appointment of members of the Oversight Board by the Minister for the purpose of section 33.8(1);
 - (d.7) respecting, subject to this Act, other powers, duties and functions of the Oversight Board for the purpose of section 33.9(2)(e);
 - (d.8) respecting, subject to this Act, additional duties and functions of the Minister for the purpose of section 33.94(c);
 - (c) **in clause (e) by adding “, chiefs of independent agency police services” after “chiefs of police”;**
 - (d) **in clause (j) by striking out “and” at the end of subclause (ii), by adding “and” at the end of subclause (iii) and by adding the following after subclause (iii):**
 - (iv) independent agency police services;
 - (e) **by adding the following after clause (m):**
 - (n) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the amendments to this Act made by the *Public Safety Statutes Amendment Act, 2024*.
- (25) Section 62(1) is amended**
- (a) **in clause (f) by adding “the Oversight Board,” after “commissions,”;**
 - (b) **in clause (g) by adding “, the Oversight Board” after “commissions”.**

Police Amendment Act, 2022

Amends SA 2022 c22

3(1) The *Police Amendment Act, 2022* is amended by this section.

(2) Section 3(c) is amended by renumbering the new section 1(i.1) as section 1(i.01).

(25) Section 62(1) presently reads in part:

62(1) The Minister may make regulations

(f) prescribing the information and statistical data to be kept and reported to the Minister by commissions, policing committees and police services;

(g) governing the establishment of standards for police services, police commissions and policing committees;

Police Amendment Act, 2022

3(1) Amends chapter 22 of the Statutes of Alberta, 2022.

(2) Updates clause numbering.

(3) Section 8(a) is amended by striking out “chiefs of police and commissions” **and substituting** “chiefs of police services, commissions and the Oversight Board”.

(4) Section 12(a)(i) is amended by striking out “a commission referred to the Board under section 43(12)(b)(i)” **and substituting** “a commission or the Oversight Board referred to the Board under section 43(12)(b)(i)”.

(5) Section 15(a)(ii)(A)(I) is amended by striking out “chief of police” **and substituting** “chief of a police service”.

(6) The following is added after section 23:

23.1 Section 33.7(3)(e) is repealed and the following is substituted:

- (e) the reporting to the Oversight Board and the Police Review Commission of any complaint focused on the policies of or services provided by an independent agency police service, any actions taken to address the complaint and the disposition of the complaint.

23.2 Section 33.92(9) is amended by adding “by forwarding the matter to the Police Review Commission as a complaint” **after** “Part 5”.

(7) Section 28 is amended in the new section 42.2

- (a) **in subsection (1) by adding** “the Oversight Board,” **after** “a commission,”;
- (b) **in subsection (2)**
 - (i) **in clause (b) by striking out** “chief of police” **and substituting** “chief”;
 - (ii) **in clause (c)**
 - (A) **by adding** “or the Oversight Board, as the case may be,” **after** “the commission”;

(3) Section 8(a) presently reads:

(a) in clause (a.1) by striking out “chiefs of police and commissions” and substituting “the Police Review Commission”;

(4) Section 12(a)(i) presently reads:

(i) in clause (a.1) by striking out “a commission referred to the Board under section 43(12)(b)(i)” and substituting “the Police Review Commission or its chief executive officer referred to the Board under section 42.2(5) or 43(7)(b)(i)”;

(5) Section 15(a)(ii)(A)(I) presently reads:

(I) by striking out “chief of police” and substituting “chief executive officer of the Police Review Commission”;

(6) Adds amending sections for Independent Agency Police Services.

(7) Section 28 presently reads in part:

42.2(1) Subject to subsection (7), any complaint received by the chief of a police service, a commission, a municipal policing committee or a regional policing committee must be forwarded to the Police Review Commission, as soon as practicable and in any case within 30 days of being received, to be administered in accordance with this section.

(2) The Police Review Commission, as soon as practicable and in any case within 2 business days, shall notify

(b) the chief of police or officer in charge for the relevant police service when a complaint has been received by or forwarded

(B) by striking out “chief of police” and substituting “chief”;

(c) in subsection (6)(d) by striking out “chief of police” and substituting “chief”.

(8) Section 29 is amended in the new section 43(7)

(a) by striking out “chief of police” and substituting “chief of the police service”;

(b) in clause (b)

(i) in subclause (i) by striking out “chief of police” and substituting “chief of a police service”;

(ii) in subclause (ii) by adding “or the Oversight Board, as the case may be,” after “in charge of the police service”.

(9) Section 30 is amended

(a) in clause (a) by striking out “chief of police or the chair of the commission” and substituting “chief of a police service, the chair of the commission or chair of the Oversight Board, as the case may be,”;

to the Police Review Commission with respect to a member of that police service, and

(c) the commission for the relevant police service when a complaint has been received by or forwarded to the Police Review Commission with respect to the chief of police of the police service.

(6) If the Police Review Commission determines that

(d) a complaint is a Level 4 complaint, the complaint shall be forwarded to the chief of police of the relevant police service, who shall administer the complaint in accordance with any internal performance management procedures of the police service, any applicable collective agreement that has been entered into in respect of that police service and section 43.6, and

(8) Section 29 presently reads in part:

43(7) If the chief executive officer of the Police Review Commission or the chief of a police service decides under subsection (3), (4), (5) or (6) to dismiss a complaint, the chief executive officer or chief of police, as the case may be, shall notify the complainant and the police officer who is the subject of the complaint, if any, in writing of

(b) the right of the complainant, within 30 days of receiving the notice, to request

(i) the Board, with regard to a complaint or portion of a complaint as to the actions of a police officer or a chief of police, to review the decision under section 20(1.1), or

(ii) the commission in charge of the police service, with regard to a complaint or portion of a complaint as to the policies of or services provided by a police service, to review the decision as if the complaint or portion of the complaint was a decision to dispose of a complaint under section 44(1).

(9) Section 30 presently reads in part:

(a) in subsection (0.1) by striking out “chief of police or the chair of the commission” and substituting “chief executive officer of the Police Review Commission”;

- (b) **in clause (b) by striking out “chief may” and substituting “chief of the police service may”;**
- (c) **in clause (c) by striking out “chair of the commission” and substituting “chair of the commission or chair of the Oversight Board, as the case may be,”.**

(10) Section 31 is amended

- (a) **in the new section 43.2**
 - (i) **in subsection (2)**
 - (A) **by striking out “chief of police” and substituting “chief of a police service”;**
 - (B) **by adding “or the Oversight Board, as the case may be,” after “commission”;**
 - (ii) **in subsection (5) by striking out “chief of police” and substituting “chief”;**
 - (iii) **in subsection (6)(a)(ii)**
 - (A) **by adding “or the Oversight Board, as the case may be,” after “commission”;**
 - (B) **by striking out “chief of police” and substituting “chief”;**
 - (iv) **in subsections (8) and (9) by striking out “chief of police” and substituting “chief”;**
 - (v) **in subsection (10) by adding “or the Oversight Board, as the case may be,” after “commission”;**
 - (vi) **in subsection (11) by striking out “chief of police” and substituting “chief”;**
- (b) **in the new section 43.5(9) by adding “or to the Oversight Board” after “police officer”.**

- (b) *in subsection (1) by striking out “chief may” and substituting “chief executive officer of the Police Review Commission may”;*
- (c) *in subsection (2) by striking out “chair of the commission” and substituting “chief executive officer of the Police Review Commission”;*

(10) Section 31 presently reads in part:

43.2(2) The chief of police as soon as practicable shall notify the relevant commission and the chief executive officer of the Police Review Commission where

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

(5) The chief of police or officer in charge of a police service acting under subsection (4)(a) or (c), or a person appointed under subsection (4)(b), shall report as required to the chief executive officer of the Police Review Commission.

(6) If, during or on the conclusion of an investigation, the chief executive officer of the Police Review Commission forms the opinion that the actions of the police officer that are the subject of the investigation constitute

- (a) *an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the chief executive officer of the Police Review Commission shall*
 - (i) *refer the matter to the Minister of Justice, and*
 - (ii) *advise the commission and the chief of police of the police service under investigation of the findings of the investigation, unless the Minister of Justice otherwise directs,*

(11) Section 41 is amended by striking out “A police service shall, in respect of a complaint made under section 44, 45 or 46.1, and the commission shall, in respect of a complaint made under section 46” **and substituting** “A police service shall, in respect of a complaint made under section 44, 45 or 46.1, and the commission or the Oversight Board, as the case may be, shall, in respect of a complaint made under section 46”.

(8) A chief of police or police officer in charge of another police service who is conducting an investigation under subsection (4)(a) or (c) has, for the purposes of assisting with or conducting that investigation, the same powers and duties as the Police Review Commission is prescribed by regulation.

(9) A chief of police or police officer in charge of another police service referred to in subsection (8) must advise a complainant, if any, in writing at least once every 45 days as to the status of the complaint.

(10) A copy of the document sent to a complainant under subsection (9) must be provided to the commission for the police service being investigated.

(11) Where a chief of police or police officer in charge of another police service carries out any functions pursuant to a request or direction made under subsection (4), that police officer may also be requested to present the case at a hearing of the complaint.

43.5(9) A copy of the document sent to the complainant under subsection (8) must be provided to the commission of the police service of the police officer.

(11) Section 41 presently reads in part:

41 Section 52 is amended by striking out “A police service shall, in respect of a complaint made under section 44, 45 or 46.1, and the commission shall, in respect of a complaint made under section 46” and substituting “The Police Review Commission in respect of a Level 1, Level 2 or Level 3 complaint, or the chief of the police service in respect of a Level 4 or Level 5 complaint, shall”.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
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