

The Police Act, 1990

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Chapter P-15.01 of the *Statutes of Saskatchewan, 1990-91* (effective January 1, 1992) as amended by the *Statutes of Saskatchewan, 1993, c.36; 1996, c.9; 1997, c.H-3.01 and c.45; 1998, c.P-42.1; 2000, c.59; 2001, c.29; 2002, c.C-11.1; 2005, c.M-36.1 and 25; 2010, c.N-5.2; 2011, c.12; 2013, c.S-15.1 and c.27; 2014, c.E-13.1, 2016, c.28; and 2018, c.42.*

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-15.01
An Act respecting Police Services

PART I
Short Title and Interpretation

Short title

1 This Act may be cited as *The Police Act, 1990*.

Interpretation

2 In this Act:

- (a) **“board”** means, with respect to a municipality:
 - (i) where the municipality has established a board of police commissioners pursuant to section 27, the board of police commissioners;
 - (ii) where the municipality has not established a board of police commissioners, the council;
- (b) **“chief”** means a chief of police appointed pursuant to section 35;
- (c) **“civilian member”** means a civilian employee of a police service;
- (d) **“commission”** means the Saskatchewan Police Commission continued pursuant to section 3;
- (e) **“commissioner”** means a member of the commission;
- (f) **“council”** means the council of a municipality;
- (g) **“department”** means the department over which the minister presides;
- (h) **“hearing officer”** means a hearing officer appointed pursuant to section 17;
- (i) **Repealed.** 2005, c.25, s.3.
- (j) **“local police association”** means a bargaining unit as determined by the Labour Relations Board;
- (k) **“member”** means a member of a police service and, unless otherwise specifically provided, includes:
 - (i) the chief of police;
 - (ii) an officer;
 - (iii) a non-commissioned officer;
 - (iv) a constable; and
 - (v) a special constable, unless otherwise indicated in his or her appointment;

- (l) “**member at large**” means a member of a board of police commissioners appointed as a member at large pursuant to section 27;
- (m) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (n) “**municipality**” means, unless otherwise specifically provided:
 - (i) a municipality within the meaning of *The Municipalities Act* that has a population of at least 500, but does not include a rural municipality;
 - (ii) a town or restructured municipality within the meaning of *The Northern Municipalities Act, 2010* that has a population of at least 500; or
 - (iii) a city within the meaning of *The Cities Act*.
- (o) “**officer**” means a member who holds the rank of inspector or above;
- (o.1) “**PCC**” means the public complaints commission established pursuant to section 16;
- (p) “**personnel**” means the members and civilian members employed within a police service;
- (q) “**police service**” means a police department, police service or police force established by a board;
- (r) “**regional police service**” means a police service established pursuant to section 28.

1990-91, c.P-15.01, s.2; 1993, c.36, s.3; 2002, c.C-11.1, s.400; 2005, c.M-36.1, s.454; 2005, c.25, s.3; 2010, c.N-5.2, s.461.

PART II
Administration
 SASKATCHEWAN POLICE COMMISSION

Commission continued

- 3(1) The Saskatchewan Police Commission is continued.
- (2) The commission is constituted as a body corporate.
- (3) The head office of the commission is to be at a place in Saskatchewan designated by the Lieutenant Governor in Council.
- (4) The Lieutenant Governor in Council may create a seal for the commission.

1990-91, c.P-15.01, s.3.

Members of commission

4(1) The commission is to consist of not less than three commissioners to be appointed by the Lieutenant Governor in Council.

(2) Each person appointed as a commissioner:

- (a) shall hold office at pleasure for a term not exceeding three years;
- (b) shall continue in office until a successor is appointed; and
- (c) may be re-appointed;

but no person shall be appointed for more than two successive terms.

(3) The Lieutenant Governor in Council shall designate a commissioner as chairperson and another commissioner as vice-chairperson.

(3.1) Where the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson may exercise all the powers and shall perform all the duties of the chairperson.

(4) The chairperson may designate a member of the commission:

- (a) to exercise any of the powers conferred; or
- (b) to perform any of the duties imposed;

on the chairperson pursuant to this Act.

1990-91, c.P-15.01, s.4; 2001, c.29, s.3.

Oath of office

5 Before entering on the duties of office, a commissioner shall take and subscribe to an oath of office or affirmation in the form prescribed in the regulations before a person authorized to administer an oath or affirmation.

1990-91, c.P-15.01, s.5.

Remuneration

6 The commission shall:

- (a) pay to the commissioners the remuneration determined by the Lieutenant Governor in Council; and
- (b) reimburse commissioners for travelling and living expenses at rates determined by the Lieutenant Governor in Council.

1990-91, c.P-15.01, s.6.

Staff

7(1) The commission may:

- (a) employ any employees that the commission considers necessary for the purposes of its operations;
- (b) determine the duties, powers and conditions of employment and remuneration of the employees mentioned in clause (a);

- (c) enter into agreements to engage the services of persons or agencies it considers necessary for the purposes of its operations;
 - (d) engage the services of persons who have special, technical or other knowledge to advise and report on matters related to the purposes of the commission; and
 - (e) pay remuneration to and reimburse the expenses of the persons mentioned in clauses (c) and (d).
- (2) *The Public Service Act, 1998, The Public Service Superannuation Act and The Superannuation (Supplementary Provisions) Act* apply to the persons employed pursuant to clause (1)(a).
- (3) The commission may establish and support any employee benefit program for the benefit of the employees of the commission and the dependants of those employees.

1990-91, c.P-15.01, s.7; 1998, c.P-42.1, s.42.

Orders of commission

- 8(1) The chairperson or, in the absence of the chairperson, the vice-chairperson shall sign any order, consent, certificate or other document issued or made by the commission.
- (2) An order, consent, certificate or other document purporting to be signed in accordance with subsection (1) is admissible in evidence as prima facie proof of the facts contained in the order, consent, certificate or document in any court or tribunal conducting a hearing pursuant to this Act without proof of the signature or official character of the person who signed the order, consent, certificate or document.

1990-91, c.P-15.01, s.8.

Sittings

- 9(1) The commission may hold sittings at any place in Saskatchewan that it considers appropriate.
- (2) The commission shall make rules respecting practice and procedure before the commission and may prescribe forms for that purpose.
- (3) Each commissioner has all the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.
- (4) The commission may pay to any witness or interpreter that it requires to attend an inquiry or a hearing those fees and expenses that would be payable to a witness or interpreter pursuant to *The Queen's Bench Fees Regulations*.

1990-91, c.P-15.01, s.9; 2013, c.27, s.28.

No action against commission, etc.

10(1) No action lies or shall be instituted against the minister, the department, the commission, a commissioner, a hearing officer, the PCC or any person employed or engaged by the commission or the PCC, where the minister, department, commission, commissioner, hearing officer, PCC or person is acting pursuant to the authority of this Act, the regulations or an order made pursuant to this Act, for any loss or damage suffered by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

(2) No action lies or shall be instituted against a board or a member of that board, where the board or member is acting pursuant to the authority of this Act, the regulations or an order made pursuant to this Act, for any loss or damage suffered by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

(3) No action lies or shall be instituted against a member or a civilian member where the member or civilian member is acting pursuant to the authority of this Act, the regulations or an order made pursuant to this Act, or pursuant to any other Act, an Act of the Parliament of Canada, the common law, a regulation or a bylaw, for any loss or damage suffered by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations, or any other Act, an Act of the Parliament of Canada, the common law, a regulation or a bylaw, or in the carrying out or supposed carrying out of any order made or duty imposed pursuant to this Act or the regulations, or any other Act, an Act of the Parliament of Canada, the common law, a regulation or a bylaw

1990-91, c.P-15.01, s.10; 2001, c.29, s.4; 2005, c.25, s.4.

Commissioners not compellable

11 A commissioner or a person employed or engaged by the commission is not compellable in any civil proceedings:

- (a) to testify with respect to any information obtained in the discharge of his or her duties pursuant to this Act; or
- (b) to produce any files, papers, information, reports, correspondence or other documents relating to the business or activities of the commission.

1990-91, c.P-15.01, s.11.

Regulations of commission

12(1) Subject to the approval of the Lieutenant Governor in Council, the commission may make regulations:

- (a) prescribing minimum standards for the selection and training of members;
- (b) prescribing a police training program for members or any category of members;
- (b.1) prescribing a code of ethical conduct for members;
- (c) prescribing an orientation program and code of ethical conduct for board members;
- (d) prescribing a communications system for all or any police services, and regulating the operations and procedures of the communications system;
- (e) prescribing the minimum number of members that a municipality shall employ:
 - (i) on the basis of:
 - (A) population;
 - (B) area; or
 - (C) any combination of the factors mentioned in paragraphs (A) and (B);
 - (ii) on any other basis; or
 - (iii) on the basis of any combination of the factors mentioned in subclauses (i) and (ii);
- (f) prescribing the records, returns, books and accounts to be maintained by police services or personnel;
- (g) prescribing the method of accounting for fees, costs and other moneys that come into the hands of personnel;
- (h) prescribing the procedures, requirements and forms for the appointment of special constables;
- (i) prescribing requirements respecting clothing and equipment to be provided to police services by municipalities;
- (j) establishing a uniform disciplinary code for all police services, including the procedure to be followed in hearing and determining breaches of discipline, unsuitability or incompetence;
- (k) prescribing offences under any code established pursuant to clause (j) and the penalties that may be administered;
- (k.1) respecting the manner in which an application pursuant to subsection 37.1(1) is to be made;
- (k.2) respecting the manner in which an application or appeal pursuant to section 53 is to be made;

- (l) providing for and prescribing rules respecting appeals with respect to discipline, breaches of conduct, relief from duty or dismissals from employment;
 - (m) prescribing terms and conditions respecting financial aid to:
 - (i) boards, councils or police services for police training or education programs conducted or approved by the commission; and
 - (ii) members to participate in the programs described in subclause (i);
 - (n) prescribing the minimum number of meetings to be held by boards;
 - (o) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
 - (p) prescribing any other matter or thing that it considers necessary to fulfil its duties or exercise its powers pursuant to this Act.
- (2) Prior to making regulations pursuant to subsection (1), the commission shall:
- (a) inform the boards, the Saskatchewan Association of Chiefs of Police and the Saskatchewan Federation of Police Officers of the proposed regulations; and
 - (b) provide an opportunity for the boards, the Saskatchewan Association of Chiefs of Police and the Saskatchewan Federation of Police Officers to make representations to the commission with respect to the proposed regulations.

1990-91, c.P-15.01, s.12; 1996, c.9, s.21; 2001, c.29, s.5.

Fiscal year

13 The fiscal year of the commission is the period commencing on April 1 in one year and ending on March 31 in the next year.

1990-91, c.P-15.01, s.13.

Audit

14 The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall:

- (a) annually; and
- (b) at any other time that the Lieutenant Governor in Council may require; audit the accounts of the commission.

1990-91, c.P-15.01, s.14.

Annual report

15(1) The commission, in each fiscal year, in accordance with section 13 of *The Executive Government Administration Act*, shall prepare and submit to the minister a report of the commission on its business for its preceding fiscal year.

(2) The minister shall, in accordance with section 13 of *The Executive Government Administration Act*, lay before the Legislative Assembly each report received pursuant to subsection (1).

1990-91, c.P-15.01, s.15; 2014, c.E-13.1, s.62.

PUBLIC COMPLAINTS COMMISSION

Public complaints commission

- 16(1)** The public complaints commission is established.
- (2) The PCC is to consist of five persons, including a chairperson and vice-chairperson, appointed by the Lieutenant Governor in Council on the recommendation of the minister.
- (3) Of the members of the PCC:
- (a) at least one member must be a person of First Nations ancestry;
 - (b) at least one member must be a person of Métis ancestry; and
 - (c) at least one member must be a lawyer.
- (4) Before making a recommendation pursuant to subsection (2), the minister shall consult with:
- (a) the Saskatchewan Association of Chiefs of Police;
 - (b) the Saskatchewan Federation of Police Officers;
 - (c) The Federation of Saskatchewan Indian Nations;
 - (d) the boards; and
 - (e) any other persons or boards that are prescribed in the regulations.
- (5) Each member of the PCC holds office for a term not to exceed three years and until a successor is appointed.
- (6) A member of the PCC may be reappointed for a second term, but no member may be appointed to more than two successive terms.
- (7) If a member of the PCC dies or resigns, the person ceases to be a member of the PCC on the date of death or on the date that a written resignation is received by the PCC, as the case may be.
- (8) If the office of a member of the PCC becomes vacant, the Lieutenant Governor in Council may:
- (a) appoint another person for the remainder of the term of the person who vacated the office; or
 - (b) appoint another person for the term mentioned in subsection (5).
- (9) A vacancy in the office of a member of the PCC does not impair the power of the remaining members of the PCC to act.
- (10) A majority of the members of the PCC constitutes a quorum.
- (11) Notwithstanding any other provision of this section, on the recommendation of the minister that it is, in the minister's opinion, necessary to facilitate the ongoing work of the PCC, the Lieutenant Governor in Council may appoint a person to serve as an interim member of the PCC until a member is appointed in accordance with subsections (2) and (3).

(12) An interim member of the PCC appointed pursuant to subsection (11) has the same status, may exercise the same powers and shall fulfil the same duties as any other member of the PCC.

2005, c.25, s.6.

Committees of PCC

16.1(1) The PCC may designate any three or more of its members to sit as a committee of the PCC and may direct that committee to exercise any powers or carry out any duties that the PCC itself could exercise or perform.

(2) A committee may not sit concurrently with the PCC, but any number of committees may sit concurrently.

(3) Two members of a committee constitute a quorum at any sitting of a committee.

(4) A decision or action of a committee in relation to the exercise of any power or the carrying out of any duty delegated to the committee is the decision or action of the PCC.

2005, c.25, s.6.

Chairperson and vice-chairperson of PCC

16.2(1) The Lieutenant Governor in Council shall designate one member of the PCC as chairperson of the PCC and another member of the PCC as vice-chairperson.

(2) The chairperson shall perform the duties imposed on, and may exercise the powers given to, the chairperson by this Act or the regulations.

(3) If the chairperson is absent or unable to act for any reason or if the position of chairperson is vacant, the vice-chairperson shall act as chairperson and, while so acting, shall perform all the duties imposed on, and may exercise all the powers given to, the chairperson.

(4) The PCC may delegate to the chairperson the authority to exercise any powers conferred and to perform any duties imposed on the PCC pursuant to this Act.

2005, c.25, s.6.

Powers and duties of the public complaints commission

16.3(1) The PCC shall perform any duties that are:

- (a) imposed by this Act or the regulations or any other Act on the PCC; or
- (b) specified by the Lieutenant Governor in Council.

(2) Sections 5, 7, 13, 14 and 15 of this Act apply, with any necessary modification, to the PCC.

2005, c.25, s.6.

HEARING OFFICER

Hearing officer

17(1) The Lieutenant Governor in Council shall appoint one or more persons:

- (a) who, at the date of their appointment, have been members in good standing of any law society of one of the provinces of Canada for the immediately preceding five years; or
- (b) who have been members of the judiciary;

as hearing officers.

(2) A hearing officer shall perform any duties:

- (a) imposed by this Act, the regulations or any other Act on a hearing officer; or
- (b) specified by the Lieutenant Governor in Council.

(3) If a hearing is held with respect to a member of a police service:

- (a) the board responsible for that police service shall pay, subject to clause (b), all expenses related to the conduct of the hearing, including transcription expenses; and
- (b) the minister shall:
 - (i) pay to the hearing officer the remuneration determined by the Lieutenant Governor in Council; and
 - (ii) reimburse the hearing officer for expenses at rates determined by the Lieutenant Governor in Council.

(4) A hearing officer has all the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

PART III
Policing Services
MINISTER AND COMMISSION

Ministerial responsibility

18 The minister shall promote:

- (a) adequate and effective policing throughout Saskatchewan; and
- (b) the preservation of peace, the prevention of crime, the efficiency of police services and the improvement of police relationships with communities within Saskatchewan.

1990-91, c.P-15.01, s.18.

Duty and powers of commission

19(1) The commission shall promote:

- (a) adequate and effective policing throughout Saskatchewan; and
- (b) the preservation of peace, the prevention of crime, the efficiency of police services and the improvement of police relationships with communities within Saskatchewan.

(2) In fulfilling its responsibilities pursuant to subsection (1), the commission may:

- (a) develop and maintain programs to:
 - (i) create a public understanding of police functions; and
 - (ii) promote the improvement of police relationships with, and crime prevention within, communities in Saskatchewan;
- (b) conduct research studies to assist and improve policing services and law enforcement in Saskatchewan;
- (c) facilitate the co-ordination of police activities on a provincial and municipal basis to ensure uniform law enforcement and optimum co-operation between police services and other services;
- (d) operate the Saskatchewan Police College and provide for the training of members;
- (e) conduct audits and reviews of police services to ensure that policing services are provided to meet the requirements of this Act;
- (f) develop and supervise police training programs for members or categories of members;
- (g) compile and distribute to boards, chiefs and police services a policy and procedure instruction manual;

- (h) subject to the regulations, provide financial aid to:
 - (i) boards or police services for police training or education programs conducted or approved by the commission; and
 - (ii) members to participate in the programs described in subclause (i);
- (i) establish and maintain a central information and statistics service for all police services in Saskatchewan.

1990-91, c.P-15.01, s.19.

PROVINCIAL POLICING

Government to provide police services

20 The Government of Saskatchewan shall cause policing services to be provided in:

- (a) rural municipalities;
- (b) municipalities that have a population of less than 500;
- (c) the Northern Saskatchewan Administration District, other than in towns or restructured municipalities within the meaning of *The Northern Municipalities Act, 2010* that have a population of at least 500.

1990-91, c.P-15.01, s.20; 2005, c.M-36.1, s.454;
2010, c.N-5.2, s.461.

Policing agreement

21(1) Subject to the approval of the Lieutenant Governor in Council, the minister, on behalf of the Government of Saskatchewan, may enter into an agreement with the Government of Canada to employ the Royal Canadian Mounted Police to aid in the administration of justice and the enforcement of the laws in force in Saskatchewan.

(2) Where an agreement has been entered into pursuant to subsection (1), the Royal Canadian Mounted Police are responsible for policing all or any portion of Saskatchewan that may be directed by the minister.

(3) Notwithstanding subsection (2), the Royal Canadian Mounted Police are not responsible for policing a municipality unless there is an agreement made pursuant to section 22, 22.1 or 23 respecting that municipality.

(4) During the period of an agreement entered into pursuant to subsection (1), members of the Royal Canadian Mounted Police:

- (a) are peace officers; and
- (b) shall fulfil the duties and may exercise the powers conferred by any Act or law on peace officers or constables with respect to the preservation of peace, the prevention of crime and the enforcement of laws in force in Saskatchewan.

1990-91, c.P-15.01, s.21; 1997, c.45, s.3.

Provincial-municipal agreement

22(1) Where an agreement has been entered into pursuant to subsection 21(1), the minister, on behalf of the Government of Saskatchewan, may enter into an agreement with a municipality having a population of a size prescribed in the regulations for the services of the Royal Canadian Mounted Police in aiding the administration of justice and providing policing services within the municipality.

(2) During the period of an agreement entered into pursuant to subsection (1), members of the Royal Canadian Mounted Police shall fulfil the duties and may exercise the powers conferred on constables or peace officers by the municipality or any Act or law in force in Saskatchewan.

1990-91, c.P-15.01, s.22; 1993, c.36, s.4; 1997, c.45, s.4.

Global policing agreement

22.1(1) Subject to subsection (2), where an agreement has been entered into pursuant to subsection 21(1), the minister may enter into a global agreement, on behalf of municipalities, for the services of the Royal Canadian Mounted Police in aiding the administration of justice and providing policing services where the municipalities:

- (a) are prescribed in the regulations; and
- (b) elect to participate in the global agreement.

(2) Subsection (1) does not apply to a municipality that has established a police service pursuant to section 26.

(3) For the duration of a global agreement entered into pursuant to subsection (1), members of the Royal Canadian Mounted Police shall fulfil the duties assigned to and may exercise the powers conferred on constables or peace officers by the municipality or by any Act or law in force in Saskatchewan.

1997, c.45, s.5.

Federal-municipal agreement

23(1) Subject to the approval of the Lieutenant Governor in Council, a municipality having a population greater than the minimum size prescribed in the regulations, but not greater than 20,000, may enter into an agreement with the Government of Canada to employ and pay for a sufficient number of members of the Royal Canadian Mounted Police to provide policing services within the municipality.

(1.1) Where, before the coming into force of this subsection, an agreement exists pursuant to subsection (1) between the Government of Canada and a municipality prescribed in the regulations, the agreement may be amended with the consent of the parties to allow the Government of Saskatchewan to undertake the financial obligations of the municipality pursuant to that agreement.

(1.2) Where, before the coming into force of this subsection, an agreement exists pursuant to subsection (1) between the Government of Canada and a municipality other than a municipality prescribed in the regulations, the agreement continues to be in effect pursuant to the terms and conditions contained in the agreement.

(1.3) If, on the day on which it is determined that a municipality reaches or exceeds the maximum population mentioned in subsection (1), the municipality has an agreement with the Government of Canada to employ and pay for members of the Royal Canadian Mounted Police to provide policing services within the municipality:

- (a) the agreement continues to be in effect pursuant to the terms and conditions of the agreement; and
 - (b) notwithstanding subsection (1) but subject to the approval of the Lieutenant Governor in Council, the municipality may renew or amend the agreement mentioned in clause (a) or enter into a new agreement described in subsection (1) with the Government of Canada.
- (2) During the period of an agreement entered into pursuant to subsection (1) or (1.3) or renewed or amended pursuant to subsection (1.1) or (1.3), members of the Royal Canadian Mounted Police shall fulfil the duties and may exercise the powers conferred on constables or peace officers by the municipality or any Act or law in force in Saskatchewan.

1990-91, c.P-15.01, s.23; 1997, c.45, s.6; 2011, c.12, s.4.

Determination and distribution of cost of policing services

23.1(1) In this section, “**specified municipality**” means:

- (a) a rural municipality; or
 - (b) any other municipality within the meaning of *The Municipalities Act* that has a population of less than 500.
- (2) Notwithstanding any other provision of this Act or any other Act or agreement, after the coming into force of this section, the minister shall:
- (a) determine annually the total cost for policing services provided by the Royal Canadian Mounted Police under agreements entered into pursuant to section 22.1 or amended pursuant to subsection 23(1.1); and
 - (b) distribute the cost for policing services in accordance with a formula prescribed in the regulations among all municipalities prescribed in the regulations pursuant to section 22.1 and subsection 23(1.1) and all specified municipalities that receive policing services from the Royal Canadian Mounted Police.
- (3) Every municipality and every specified municipality mentioned in clause (2)(b) shall pay the moneys owing calculated in accordance with the formula mentioned in clause (2)(b).

(4) Where a municipality or specified municipality fails to pay the moneys owing pursuant to subsection (3), the amount of those moneys may be:

- (a) deducted from any grant payment payable by the Government of Saskatchewan to the municipality or specified municipality, as the case may be; or
- (b) recovered as a debt due to the Crown in right of Saskatchewan by commencing an action in any court of competent jurisdiction.

1997, c.45, s.7; 2005, c.M-36.1, s.454; 2018, c 42, s.65.

Prior approval by minister

23.2(1) Where a municipality elects to participate in a global agreement mentioned in section 22.1, the municipality shall not subsequently withdraw from or alter its election of participation without the prior approval of the minister.

(2) Where a municipality amends an agreement pursuant to subsection 23(1.1), the municipality shall not subsequently amend the agreement without the prior approval of the minister.

1997, c.45, s.7.

Emergency policing by Royal Canadian Mounted Police

24(1) Notwithstanding any other provision of this Act or any other Act, where, in the opinion of the minister:

- (a) an emergency exists; and
- (b) it is in the best interests of the administration of justice in Saskatchewan that the services of the Royal Canadian Mounted Police be used in any municipality to provide adequate policing services;

the Lieutenant Governor in Council, by order, may make provision for the employment of the Royal Canadian Mounted Police to provide policing services to the municipality for any time that the Lieutenant Governor in Council considers advisable.

(2) Where an order is made pursuant to subsection (1), the Lieutenant Governor in Council, by order, may direct the municipality to pay to the Government of Saskatchewan any amount that the Lieutenant Governor in Council considers necessary for the policing services.

(3) Where a municipality refuses or neglects to pay the amount required pursuant to subsection (2), that amount:

- (a) may be deducted from any grant payable by the Government of Saskatchewan to the municipality; or
- (b) may be recovered by an action in any court of competent jurisdiction as a debt due to the Crown in right of Saskatchewan.

1990-91, c.P-15.01, s.24; 2018, c 42, s.65.

Designated authority may establish police service

24.1(1) The Lieutenant Governor in Council may, by order, authorize an authority designated in the regulations to establish a police service to provide policing services on any terms and conditions the Lieutenant Governor in Council considers appropriate.

(2) An order made pursuant to subsection (1) shall include:

- (a) the jurisdiction, including the territorial jurisdiction, of the police service;
- (b) provisions respecting the establishment and ongoing membership of a police board;
- (c) the duties and responsibilities of the chief of police, the police board and the members of the police service established pursuant to this section; and
- (d) the requirement to take and subscribe to oaths or affirmations by police board members.

(3) A police board and police service established pursuant to this section are subject to this Act, including Part IV, and the regulations except as specifically exempted from the application of any section set out in the order made pursuant to subsection (1).

(4) No authority that has established a police service pursuant to this section shall withdraw the delivery of police services without the approval of the Lieutenant Governor in Council.

2000, c.59, s.3.

MUNICIPAL POLICE**Municipality responsible for policing**

25 A municipality:

- (a) is responsible for the maintenance of law and order within its boundaries;
- (b) shall provide policing services to maintain a reasonable standard of law enforcement; and
- (c) shall provide adequate and reasonable facilities required for the policing services mentioned in clause (b).

1990-91, c.P-15.01, s.25.

Establishment of police service or agreement for policing

26(1) A municipality shall:

- (a) establish its own police service;
 - (b) enter into an agreement with the Government of Saskatchewan, pursuant to section 22, or the Government of Canada, pursuant to section 23, to have policing services provided by the Royal Canadian Mounted Police; or
 - (c) elect to participate in a global agreement, pursuant to section 22.1, or consent to amend an agreement, pursuant to subsection 23(1.1), to have its policing services provided by the Royal Canadian Mounted Police.
- (2) Where a municipality establishes its own police service, the police service is to consist of:
- (a) a chief; and
 - (b) any other personnel that the board considers necessary.

1990-91, c.P-15.01, s.26; 1997, c.45, s.8.

Board of police commissioners

27(1) Unless the minister directs otherwise in writing, a municipality:

- (a) that has a population of 5,000 or more; or
 - (b) that:
 - (i) has a population under 5,000; and
 - (ii) has established a police service;
 shall establish, by bylaw, a board of police commissioners.
- (2) A municipality may establish, by bylaw, a board of police commissioners where the municipality:
- (a) has a population of 5,000 or less; and
 - (b) either:
 - (i) has entered into an agreement pursuant to section 22 or 23 to have its policing services provided by the Royal Canadian Mounted Police; or
 - (ii) has elected to participate in a global agreement, pursuant to section 22.1, or has amended an agreement, pursuant to subsection 23(1.1), to have its policing services provided by the Royal Canadian Mounted Police.
- (3) A board established pursuant to subsection (1) or (2) is a body corporate.

- (4) A board is to:
- (a) consist of at least three board members appointed annually by the council; and
 - (b) include the mayor of the municipality and:
 - (i) where the board consists of three board members, one member of the council in addition to the mayor and one other person, other than a member of council, as a member at large; and
 - (ii) where the board consists of more than three board members, two members of the council in addition to the mayor and two or more other persons, other than members of council, as members at large.
- (5) Subject to subsection (6), a board member other than the mayor holds office for the term prescribed in the bylaw and until a successor is appointed.
- (6) Where a board member who holds office as a member of the council loses office as a member of the council, that board member also loses office as a board member.
- (7) If provided in the bylaw, any board member may be reappointed for a further term in accordance with the bylaw.
- (8) A board shall appoint one of the board members to be chairperson and another board member to be vice-chairperson.
- (9) Where a vacancy occurs on the board, the council, within one month of the occurrence of the vacancy, shall appoint a person to replace the former board member for the remaining term of the former board member.
- (10) Where a board member other than the mayor is ill or otherwise unable to perform his or her duties, the council may appoint a person to act during the illness or inability of that board member.
- (11) Where the mayor is ill or otherwise unable to perform his or her duties, the person appointed as presiding officer of the council:
- (a) shall act instead of the mayor; and
 - (b) shall fulfil the duties of, and may exercise all the powers conferred on, the mayor pursuant to this Act;
- during the illness or inability of the mayor.
- (12) Where a board consists of:
- (a) three board members, two board members constitute a quorum; and
 - (b) more than three board members, three board members constitute a quorum.
- (13) A council may provide for the payment of a reasonable remuneration to:
- (a) each board member; and
 - (b) any person appointed to act during the absence or illness of a board member.

(14) Subject to subsection (15), the board shall hold its meetings open to the public.

(15) The board may conduct meetings in private that relate to contract negotiations, personnel, security or any other matter where, in the board's opinion, there are privacy issues that require the matter to be dealt with in private.

(16) Before entering on the duties of office, a board member shall take and subscribe to an oath or affirmation in the form prescribed in the regulations before a person authorized to administer an oath or affirmation.

(17) Each board member has all the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

1990-91, c.P-15.01, s.27; 1997, c.45, s.9; 2001, c.29, s.6; 2013, c.27, s.28.

Regional police agreement

28(1) Subject to the approval of the Lieutenant Governor in Council, two or more municipalities may:

(a) enter into an agreement between themselves to have one regional police service provide policing services in those municipalities; or

(b) if the region to be policed pursuant to the agreement includes an area described in section 20 that is not within the geographical limits of those municipalities, enter into an agreement with the minister and the minister responsible for the administration of *The Municipalities Act*, on behalf of the Government of Saskatchewan, to have one regional police service provide policing services in those municipalities and in that area;

on behalf of the Government of Saskatchewan to have one regional police service provide policing services in those municipalities and in that area.

(2) As soon as reasonably possible after entering into an agreement pursuant to subsection (1), a municipality shall confirm its participation by bylaw.

(3) No municipality shall withdraw from an agreement described in subsection (1) without the approval of the Lieutenant Governor in Council.

1990-91, c.P-15.01, s.28; 2005, c.M-36.1, s.454.

Regional police board

29(1) Subject to the regulations, the parties to an agreement mentioned in section 28 shall establish a regional police board in accordance with the agreement.

(2) The appointment of a regional police board member may only be revoked:

(a) for cause; and

(b) in accordance with the agreement entered into pursuant to section 28.

(3) Before entering on the duties of office, a regional police board member shall take and subscribe to an oath or affirmation in the form prescribed in the regulations before a person authorized to administer an oath or affirmation.

(4) Subject to the agreement entered into pursuant to section 28, this Act and the regulations, other than those provisions of this Act and the regulations prescribed in the regulations, apply to:

- (a) a regional police board established pursuant to this section; and
- (b) a member of a regional police service established pursuant to section 28.

(5) Subject to the agreement entered into pursuant to section 28 and without limiting the generality of subsection (4):

(a) a regional police board established pursuant to this section:

- (i) may exercise the powers conferred; and
- (ii) shall fulfil the duties imposed;

on a board pursuant to this Act; and

(b) a member of a regional police service established pursuant to section 28:

- (i) may exercise the powers conferred; and
- (ii) shall fulfil the duties imposed;

on a member pursuant to this Act.

1990-91, c.P-15.01, s.29.

Regional board responsibilities

30 A regional police board, on behalf of the parties to an agreement entered into pursuant to section 28, is responsible:

(a) for the delivery of policing services within the area specified in that agreement; and

(b) for:

- (i) providing general direction, policy and priorities; and
- (ii) developing long-term plans;

for the regional police service.

1990-91, c.P-15.01, s.30.

Board responsible for police

31(1) Where a municipality has established a police service pursuant to section 26, the board is responsible:

(a) for the delivery of policing services within the municipality; and

(b) for:

- (i) providing general direction, policy and priorities; and
- (ii) developing long-term plans;

for the police service.

- (2) For the purposes of this Act and Part VI of *The Saskatchewan Employment Act*:
- (a) a board is deemed to be the employer of the personnel of the police service; and
 - (b) the chief and any person holding the position of deputy chief of police are deemed to be agents of the employer.
- (3) Subject to subsection (4), a board may make directives that are not inconsistent with this Act or the regulations, setting general policy for the governing and administration of the police service.
- (4) No directive made pursuant to subsection (3) is a directive of the board unless it is supported by a majority of the board members.

1990-91, c.P-15.01, s.31; 2013, c.S-15.1, s.10-29.

Civil action against member

32 Where a claim for damages is made, or a civil action is instituted against a member as the result of an act committed while acting in the scope of employment as a member, the employer of the member shall:

- (a) retain and pay for the services of a legal counsel to act on behalf of that member; and
- (b) pay any sum required in connection with a judgment or settlement of a claim for damages and costs awarded against the member.

1990-91, c.P-15.01, s.32.

Financial estimates

33(1) On or before a day set by bylaw, a board shall submit to the council, for the council's approval, the board's estimates of all moneys the board requires for the next fiscal year for the board and police service.

(2) Where the council does not approve the estimates submitted by the board, the council shall immediately cause the estimates to be returned to the board together with the council's reasons for not approving the estimates.

(3) Where the estimates are returned pursuant to subsection (2), the board shall submit revised estimates to the council for the council's approval.

(4) If the council does not approve the revised estimates submitted pursuant to subsection (3), the council shall determine the gross amount of the estimates, and the council's determination is final.

(5) When the council has:

- (a) approved the estimates; or
- (b) determined the gross amount of the estimates;

the board shall submit a copy of the estimates to the commission.

- (6) No board shall, without the prior approval of the council:
- (a) authorize the expenditure of any moneys in excess of the gross amount of the estimates approved by the council; or
 - (b) authorize any expenditure of moneys for any matter or purpose not included in the estimates.

1990-91, c.P-15.01, s.33.

Board advisory to Royal Canadian Mounted Police

34 Where, pursuant to section 22, 22.1 or 23, an agreement exists between a municipality and the Government of Saskatchewan or Canada for the employment of the Royal Canadian Mounted Police to provide policing services in the municipality:

- (a) Part IV and sections 83 to 85 do not apply to the Royal Canadian Mounted Police; and
- (b) the board shall act in an advisory capacity to the member in charge of the Royal Canadian Mounted Police detachment responsible for providing the policing services.

1990-91, c.P-15.01, s.34; 1997, c.45, s.10.

Chief of police

35(1) Where a police service is established pursuant to section 24.1 or 26, the board shall appoint a chief of police.

(2) Subject to the general direction of the board and to this Act and the regulations, the chief is responsible for:

- (a) the management, administration and operation of the police service;
- (b) the maintenance of law and order in the municipality; and
- (c) the maintenance of discipline within the police service.

(3) To carry out the responsibilities imposed on a chief of police by this Act and the regulations, the chief may:

- (a) appoint any personnel to positions designated by the board and assign their duties;
- (b) delegate to any member or civilian member any authority vested in the chief that, in the opinion of the chief, is required to properly manage the police service; and
- (c) make directives necessary to carry out the daily administration and operations of the police service.

1990-91, c.P-15.01, s.35; 2000, c.59, s.4.

Members

36(1) Before entering on the duties of a member, a member of a police service shall take and subscribe to an oath or affirmation in the form prescribed in the regulations before a person authorized to administer an oath or affirmation.

(2) Unless otherwise indicated in his or her appointment, a member has the power and the responsibility to:

(a) perform all duties that are assigned to constables or peace officers in relation to:

(i) the preservation of peace;

(ii) the prevention of crime and offences against the laws in force in the municipality; and

(iii) the apprehension of criminals, offenders and others who may lawfully be taken into custody;

(b) execute all warrants and perform all duties and services under or in relation to them that, pursuant to the laws in force in the municipality, may lawfully be executed and performed by constables or peace officers; and

(c) perform all duties that may lawfully be performed by constables or peace officers in relation to the escorting and conveyance of persons in lawful custody to and from courts, places of confinement, correctional facilities or camps, hospitals or other places.

(3) Unless otherwise indicated in the member's appointment, a member has authority to exercise the powers and perform the duties mentioned in subsection (2) throughout Saskatchewan.

1990-91, c.P-15.01, s.36.

PART IV
Complaints
COMPLAINTS PROCEDURE

Interpretation of Part

37 In this Part:

(a) **“internal discipline”** means disciplinary proceedings initiated within the police service;

(b) **“major disciplinary offence”** means an offence designated in the regulations as a major disciplinary offence;

(c) **“member”** does not include the chief;

(d) **“minor disciplinary offence”** means an offence designated in the regulations as a minor disciplinary offence;

(e) **“public complaint”** means a complaint initiated pursuant to subsection 38(1) and includes a matter declared to be a public complaint pursuant to section 54 or 55.

1990-91, c.P-15.01, s.37; 2001, c.29, s.7; 2005, c.25, s.7.

Waiver of notice

37.1(1) Where, pursuant to this Part, the board, chief or PCC is required to provide a copy of a complaint or other notice to a chief, member or member of the public and the board, chief or PCC is of the view that complying with that requirement may jeopardize a police investigation or the security of police operations, the board, chief or PCC may apply to the chairperson of the commission for a waiver of that requirement.

(2) An application for a waiver pursuant to subsection (1) must be made in the manner prescribed in the regulations.

(3) The chairperson of the commission shall consider the application and may grant a waiver in writing on any terms he or she considers appropriate if:

(a) the chairperson is of the opinion that not granting the waiver may jeopardize a police investigation or the security of police operations; and

(b) there are no other reasonable steps that may be taken to avoid jeopardizing a police investigation or the security of police operations other than the granting of the waiver.

(4) Where a waiver is granted pursuant to this section, any time periods mentioned in this Part do not begin until the waiver period has ended.

2001, c.29, s.8; 2005, c.25, s.8.

Initiation of complaint

38(1) A public complaint may be initiated by a member of the public outside the police service or by the PCC.

(2) A member of the public may make a public complaint:

(a) to the office of the PCC;

(b) to a police service;

(c) to the Special Investigations Unit of The Federation of Saskatchewan Indian Nations;

(d) to the board office of the affected police service;

(e) to the department; or

(f) to a detachment of the Royal Canadian Mounted Police.

(3) The PCC may make a public complaint by recording the complaint in the form prescribed in the regulations and submitting it to the persons mentioned in clause 39(1)(c).

(4) A person who receives a public complaint from a member of the public pursuant to subsection (2) shall:

(a) record the complaint in the form prescribed in the regulations;

(b) transmit the complaint to the PCC; and

(c) provide a copy of the transmittal to the complainant.

(5) **Repealed.** 2011, c.12, s.5.

(6) **Repealed.** 2011, c.12, s.5.

(7) No public complaint shall be received or made pursuant to this section after the expiry of 12 months from the day on which the complainant should have been aware of the incident complained of unless, on application by the PCC to the chairperson of the commission, the chairperson of the commission is satisfied that it is in the public interest to extend the time.

2001, c.29, s.9; 2005, c.25, s.9; 2011, c.12, s.5.

Duties and powers of PCC

39(1) If the PCC receives a public complaint pursuant to subsection 38(4), the PCC shall:

- (a) log the receipt of the complaint;
- (b) inform the person making the complaint of:
 - (i) the procedures that will be followed; and
 - (ii) the rights of the complainant pursuant to this Act;
- (c) if the complaint is with respect to a police service or a member, provide copies of the complaint to the board, the department, the member who is the subject of the complaint and the chief; and
- (d) if the complaint is with respect to a chief, provide copies of the complaint to the department, the chief and the board.

(1.1) The PCC shall:

- (a) establish and maintain a record of all public complaints received by police services and their dispositions;
- (b) inform, advise and assist complainants;
- (c) advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;
- (d) monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest;
- (e) inspect annually, or at those times directed by the minister, the records, operations and systems of administration for the handling of public complaints by police services.

(2) In exercising the duties of the PCC pursuant to this section, the PCC:

- (a) shall receive and obtain information respecting a public complaint from the complainant;
- (b) may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;
- (c) may request access to any files or other material in the possession of the police service relevant to a public complaint; and
- (d) may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

- (3) Where the PCC has requested access to files or other material pursuant to clause (2)(c), the police service shall comply with that request.
- (4) If a board, chief or member refuses to comply with a request made pursuant to clause (2)(c), the PCC may apply to the Court of Queen's Bench for an order compelling the board, chief or member to comply with the request.
- (5) Subject to this Act and the regulations, the PCC shall hold all information obtained pursuant to clause (2)(c) in confidence.
- (6) The PCC shall not provide a complainant with any information regarding a complaint which may jeopardize a police investigation.
- (7) Subject to subsection (8):
- (a) no oral or written statement or record received by, or on behalf of, the PCC, or by any member or police service acting on behalf of the PCC, shall be used or received as evidence in any civil proceeding or in any proceeding pursuant to any other Act; and
 - (b) the PCC, and any member, police service or investigator or observer acting on behalf of the PCC and any agent or employee of the PCC, is not compellable to give testimony or to produce a statement obtained in exercising a power or performing a duty pursuant to this section.
- (8) Subsection (7) does not apply to a proceeding pursuant to this Act or a disciplinary code prescribed in the regulations.
- (9) The PCC may delegate to any employee or agent of the PCC any powers vested in the PCC pursuant to this section, subject to any conditions that the PCC may specify.
- (10) Where a public complaint has been resolved pursuant to this Part and all time limits for appeal have expired with respect to that public complaint, the PCC, within 30 days, shall provide to the commission a report in the prescribed form regarding the resolution of that public complaint.
- (11) The commission, with the approval of the minister, may issue written directions to the PCC regarding the general conduct of the PCC's duties but shall not comment on the handling of specific cases.
- (12) The PCC may make any general recommendations to the commission or to a board respecting the policies of and services provided by a police service that the PCC considers appropriate.

1990-91, c.P-15.01, s.39; 2001, c.29, s.10; 2005, c.25, s.10; 2011, c.12, s.6.

Other proceedings not precluded

- 40(1)** This Part does not preclude the taking or continuing of civil or criminal proceedings against a member or chief.
- (2) Except where specifically allowed by this Act, every collective bargaining agreement or contract that provides that:
- (a) this Act, any provision of this Act or any direction given pursuant to this Act does not apply;

- (b) any benefit or remedy provided by this Act is not available; or
- (c) any benefit or remedy provided by this Act is in any way limited or modified;

is null and void and of no effect.

1990-91, c.P-15.01, s.40; 2005, c.25, s.11.

Reports re status of complaint

41(1) In the case of a public complaint as to the conduct of a member, the chief shall give notice in writing to the PCC and the member complained against of the status of the complaint:

- (a) not later than 60 days after the day on which the report is recorded by the person who received it; and
- (b) every 60 days after the expiry of the period mentioned in clause (a) during the course of an investigation.

(2) In the case of a public complaint as to the conduct of a chief, the board shall give notice in writing to the PCC and the chief of the status of the complaint:

- (a) not later than 60 days after the day on which the report is recorded by the person who received it; and
- (b) every 60 days after the expiry of the period mentioned in clause (a) during the course of the investigation.

(3) If the PCC receives notice pursuant to this section, the PCC shall, as soon as is practicable, give notice in writing to the complainant of the status of the complaint.

1990-91, c.P-15.01, s.41; 2001, c.29, s.11; 2011, c.12, s.7.

Notice of expansion or alteration

42 Where a complaint or charge against a member or chief pursuant to this Part is expanded or altered as a result of an investigation, the chief or board conducting the investigation or, if the investigation is being conducted by the PCC, the PCC shall provide that member or chief with written notice of that expansion or alteration.

1990-91, c.P-15.01, s.42; 2005, c.25, s.12.

Nature of complaint

43(1) If proceedings pursuant to this Part are based on a public complaint with respect to a member, the PCC, in consultation with the chief, 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 the member.

(2) If proceedings pursuant to this Part are based on a public complaint with respect to a chief, the PCC, in consultation with the board, 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 the chief.

- (3) A public complaint that concerns:
- (a) the policies of or services provided by a police service is to be disposed of in accordance with section 44;
 - (b) the actions of a member is to be disposed of in accordance with sections 45 to 48;
 - (c) the actions of a chief is to be disposed of in accordance with sections 49 to 52.

1990-91, c.P-15.01, s.43; 2005, c.25, s.13.

Mediation

43.1(1) Notwithstanding any other provision in this Part or the regulations, the PCC may, at any point before the completion of a hearing, refer the matter that is the subject of the hearing to mediation if:

- (a) the PCC has the consent of the complainant and the member or chief who is the subject of the hearing; and
 - (b) the PCC and the chief or board, as the case may be, are of the opinion that it is in the public interest to do so.
- (2) If a mediation is conducted respecting a member of a police service:
- (a) the board responsible for that police service shall pay, subject to clause (b), all expenses related to the conduct of the mediation; and
 - (b) the minister shall:
 - (i) pay to the mediator the remuneration determined by the Lieutenant Governor in Council; and
 - (ii) reimburse the mediator for expenses at rates determined by the Lieutenant Governor in Council.
- (3) Where a matter has, with the consent of the member or chief, as the case may be, been referred to mediation and no resolution is achieved, proceedings to prosecute a charge may be commenced within three months from the date the member or chief, or the board or chief in the case of a proceeding against a chief, gives written notice to the other that the mediation has been abandoned.
- (4) The commission may make regulations prescribing the qualifications for mediators for the purposes of this section.

2001, c.29, s.12; 2005, c.25, s.14; 2011, c.12, s.8.

PUBLIC COMPLAINT AS TO POLICIES AND SERVICES

Public complaints as to policies and services

44(1) Where a public complaint concerns the policies of or the services provided by a police service, the chief shall immediately on receipt of the public complaint forward the public complaint to the board to be dealt with as the board considers appropriate.

(2) On the disposition of a matter by the board pursuant to subsection (1), the board, within 15 days after the disposition, shall give notice in writing to the complainant as to the disposition of the matter that is the subject of the complaint.

1990-91, c.P-15.01, s.44.

PUBLIC COMPLAINT AS TO ACTIONS OF A MEMBER

Investigations re member

45(1) If a public complaint is a complaint concerning the actions of a member, the PCC, in consultation with the chief, shall cause an investigation into the complaint to be conducted in accordance with this section as soon as is practicable following the receipt of the complaint.

(2) This section applies to all public complaints concerning the actions of a member, including complaints alleging actions by a member that may constitute an offence pursuant to an Act or an Act of the Parliament of Canada.

(3) The PCC shall direct that an investigation into the complaint be conducted:

- (a) by the PCC;
- (b) by the police service whose member is the subject of the complaint;
- (c) by the police service whose member is the subject of the complaint with the assistance of an observer appointed by the PCC to monitor the investigation and report to the PCC; or
- (d) by a police service other than the police service whose member is the subject of the complaint.

(4) If an investigation has been directed pursuant to subsection (3) with respect to a complaint alleging actions by a member that may constitute an offence pursuant to an Act or an Act of the Parliament of Canada, that investigation may continue to its completion regardless of whether the member who is the subject of the investigation remains a member.

(5) Notwithstanding subsection (1) or any other provision of this Part, if the PCC, or the chairperson of the PCC, and the chief are of the opinion that a public complaint is trivial, frivolous, vexatious, unfounded or made in bad faith, the PCC may direct that:

- (a) no investigation be undertaken; or
- (b) an investigation of that complaint be terminated.

- (6) If, in the opinion of the PCC, it is advisable to do so, the PCC may, at any point in an investigation that is being conducted by a police service pursuant to clause (3)(b), (c) or (d), assume responsibility for and control of the investigation, and, if the PCC assumes responsibility and control, the police service that was conducting the investigation:
- (a) ceases to have responsibility for and control of the investigation; and
 - (b) shall provide any assistance to the PCC that the PCC may request respecting the investigation.
- (7) If an investigation is conducted by a police service pursuant to clause (3)(b), (c) or (d):
- (a) the police service shall provide the PCC with a written report of the investigation; and
 - (b) the PCC shall provide the chief with a written report respecting the investigation.
- (8) If a public complaint is dealt with pursuant to subsection (5), the PCC shall advise the complainant and the member within 15 days after the PCC's decision.

2005, c.25, s.15.

Review of direction not to investigate

- 45.1(1)** Subject to subsection (4), if the chairperson of the PCC, after consultation with the chief, made a direction pursuant to subsection 45(5) not to undertake an investigation or to terminate an investigation, a complainant may request a review by the PCC of the direction.
- (2) In conducting a review pursuant to this section, the PCC may, in consultation with the chief:
- (a) confirm the direction not to undertake an investigation or to terminate an investigation;
 - (b) direct a further investigation pursuant to subsection 45(3); or
 - (c) if the PCC considers it to be appropriate, undertake any actions and exercise any powers of the chief pursuant to subsection 48(1) and, for that purpose, the PCC may do any of the things that the chief may do, and may exercise any of the powers of the chief that are given to the chief, pursuant to section 48.
- (3) The PCC shall cause a written copy of its decision made pursuant to subsection (2) to be provided to the complainant.
- (4) This section does not apply if:
- (a) the direction pursuant to subsection 45(5) not to undertake an investigation or to terminate an investigation was made by the PCC in consultation with the chief; and
 - (b) a written copy of the direction mentioned in clause (a) was provided to the complainant.

2005, c.25, s.15.

Informal resolution**46(1)** The chief:

- (a) shall consider whether a public complaint mentioned in subsection 45(1) can be resolved informally; and
 - (b) with the consent of the complainant and the member concerned, may attempt to resolve the public complaint informally.
- (2) Where a public complaint mentioned in subsection 45(1) is resolved informally, the chief shall cause a record to be made of the manner in which the complaint was resolved.
- (3) The chief shall cause a copy of a record made pursuant to subsection (2) to be furnished immediately to:
- (a) the complainant;
 - (b) the member who is the subject of the public complaint; and
 - (c) the PCC, if the PCC was not directly involved in the informal resolution.
- (4) A public complaint mentioned in subsection 45(1) may be resolved informally by the chief in accordance with this section at any time.
- (5) A public complaint mentioned in subsection 45(1) may be resolved informally by the PCC, and subsections (1) to (4) apply, with any necessary modification, to an informal resolution by the PCC.

1990-91, c.P-15.01, s.46; 2005, c.25, s.16.

Complaint respecting an offence

47 Notwithstanding any other provision of this Part, where, after an investigation of a public complaint mentioned in subsection 45(1), a chief or the PCC is of the opinion that the actions of a member may constitute an offence pursuant to an Act or an Act of the Parliament of Canada, the chief or PCC shall refer the matter to the minister or to the Attorney General for Canada, as the case may be.

1990-91, c.P-15.01, s.47; 2005, c.25, s.17.

Complaint respecting contravention of regulations

48(1) Where, after an investigation of a public complaint mentioned in subsection 45(1), the chief is of the opinion that the actions of the member may constitute a contravention of the regulations governing the discipline of members:

- (a) the chief, in accordance with the regulations and with the consent of the PCC and the member who is the subject of the complaint, may order remedial action to be taken without charging the member; or
 - (b) where the chief does not proceed pursuant to clause (a), the chief shall:
 - (i) charge the member who is the subject of the public complaint with a major or minor disciplinary offence; and
 - (ii) order a hearing into the matter as it relates to the contravention.
- (2) Where a matter is disposed of pursuant to clause (1)(a), the PCC, within 15 days after the disposition, shall give notice in writing of the disposition to the member and the complainant.

(3) Subject to subsection (4), where a hearing is conducted for the purposes of clause (1)(b), the complainant has the right to:

- (a) attend the hearing; and
- (b) be represented by legal counsel at the complainant's own expense;

but is not entitled to call or cross-examine witnesses.

(4) Where the hearing officer is satisfied that it is not in the public interest that a complainant attend all or any part of the hearing, the hearing officer may exclude the complainant from all or that part of the hearing.

1990-91, c.P-15.01, s.48; 2001, c.29, s.13; 2005, c.25, s.18.

PUBLIC COMPLAINT AS TO ACTIONS OF CHIEF

Investigations re chief

49(1) If a public complaint is a complaint concerning the actions of a chief, the PCC, in consultation with the board, shall cause an investigation into the complaint to be conducted in accordance with this section as soon as is practicable following the receipt of the complaint.

(2) This section applies to all public complaints concerning the actions of a chief, including complaints alleging actions by a chief that may constitute an offence pursuant to an Act or an Act of the Parliament of Canada.

(3) The PCC shall direct that an investigation into the complaint be conducted:

- (a) by the PCC;
- (b) by the police service whose chief is the subject of the complaint with the assistance of an observer appointed by the PCC to monitor the investigation and report to the PCC; or
- (c) by a police service other than the police service whose chief is the subject of the complaint.

(4) If an investigation has been directed pursuant to subsection (3) with respect to a complaint alleging actions by a chief that may constitute an offence pursuant to an Act or an Act of the Parliament of Canada, that investigation may continue to its completion regardless of whether the chief who is the subject of the investigation remains a chief.

(5) Notwithstanding subsection (1) or any other provision of this Part, if the PCC, or the chairperson of the PCC, and the board are of the opinion that a public complaint is trivial, frivolous, vexatious, unfounded or made in bad faith, the PCC may direct that:

- (a) no investigation be undertaken; or
- (b) an investigation of that complaint be terminated.

- (6) If, in the opinion of the PCC, it is advisable to do so, the PCC may, at any point in an investigation that is being conducted by a police service pursuant to clause (3)(b) or (c), assume responsibility for and control of the investigation, and, if the PCC assumes responsibility and control, the police service that was conducting the investigation:
- (a) ceases to have responsibility for and control of the investigation; and
 - (b) shall provide any assistance to the PCC that the PCC may request respecting the investigation.
- (7) If an investigation is conducted by a police service pursuant to clause (3)(b) or (c):
- (a) the police service shall provide the PCC with a written report of the investigation; and
 - (b) the PCC shall provide the board with a written report respecting the investigation.
- (8) If a public complaint is dealt with pursuant to subsection (5), the PCC shall advise the complainant and the chief within 15 days after the PCC's decision.

2005, c.25, s.19.

Review of direction not to investigate

- 49.1(1)** Subject to subsection (4), if the chairperson of the PCC, after consulting with the board, made a direction pursuant to subsection 49(5) not to undertake an investigation or to terminate an investigation, a complainant may request a review by the PCC of the direction.
- (2) In conducting a review pursuant to this section, the PCC may, in consultation with the board:
- (a) confirm the direction not to undertake an investigation or to terminate an investigation;
 - (b) direct a further investigation pursuant to subsection 49(3); or
 - (c) if the PCC considers it to be appropriate, proceed in the place of the board pursuant to section 52 and, for that purpose, the PCC may do any of the things that the board may do, and exercise any of the powers of the board that are given to the board, pursuant to section 52.
- (3) The PCC shall cause a written copy of its decision made pursuant to subsection (2) to be provided to the complainant.
- (4) This section does not apply if:
- (a) the direction pursuant to subsection 49(5) not to undertake an investigation or to terminate an investigation was made by the PCC in consultation with the board; and
 - (b) a written copy of the direction mentioned in clause (a) was provided to the complainant.

2005, c.25, s.19.

Informal resolution**50(1)** The board:

- (a) shall consider whether a public complaint mentioned in subsection 49(1) can be resolved informally; and
 - (b) with the consent of the complainant and the chief concerned, may attempt to resolve the public complaint informally.
- (2) Where a public complaint mentioned in subsection 49(1) is resolved informally, the board shall cause a record to be made of the manner in which the complaint was resolved.
- (3) The board shall cause a copy of a record made pursuant to subsection (2) to be furnished immediately to:
- (a) the complainant;
 - (b) the chief concerned; and
 - (c) the PCC, if the PCC was not directly involved in the informal resolution.
- (4) A public complaint mentioned in subsection 49(1) may be resolved informally by the board in accordance with this section at any time.
- (5) A public complaint mentioned in subsection 49(1) may be resolved informally by the PCC, and subsections (1) to (4) apply, with any necessary modification, to an informal resolution by the PCC.

1990-91, c.P-15.01, s.50; 2005, c.25, s.20.

Complaint respecting an offence

51 Notwithstanding any other provision of this Part, where, after an investigation of a public complaint mentioned in subsection 49(2), a board or the PCC is of the opinion that the actions of a chief may constitute an offence pursuant to an Act or an Act of the Parliament of Canada, the board or the PCC shall refer the matter to the minister or to the Attorney General for Canada, as the case may be.

1990-91, c.P-15.01, s.51; 2005, c.25, s.21.

Complaint respecting contravention of regulations

52(1) Where, after an investigation of a public complaint mentioned in subsection 49(1), a board is of the opinion that the actions of the chief may constitute a contravention of the regulations governing discipline:

- (a) the board, in accordance with the regulations and with the consent of the PCC and the chief who is the subject of the complaint, may order remedial action to be taken without charging the chief; or
- (b) where the board does not proceed pursuant to clause (a), the board shall:
 - (i) charge the chief who is the subject of the public complaint with a major or minor disciplinary offence; and
 - (ii) order a hearing into the matter as it relates to the contravention.

(2) Where a matter is disposed of pursuant to clause (1)(a), the board, within 15 days after the disposition, shall give notice in writing of the disposition to the chief and the complainant.

(3) Subject to subsection (4), where a hearing is conducted for the purposes of clause (1)(b), the complainant has the right to:

- (a) attend the hearing; and
- (b) be represented by legal counsel at the complainant's own expense;

but is not entitled to call or cross-examine witnesses.

(4) Where the hearing officer is satisfied that it is not in the public interest that a complainant attend all or any part of the hearing, the hearing officer may exclude the complainant from all or that part of the hearing.

1990-91, c.P-15.01, s.52; 2005, c.25, s.22.

RELIEF FROM DUTY

Relief from duty

53(1) A chief may order a member to be relieved from duty with pay for up to 30 days where, in the opinion of the chief:

- (a) there are reasonable grounds to believe that the member has contravened a provision of:
 - (i) this Act, the regulations or a directive of the chief made pursuant to section 35; or
 - (ii) any other Act or an Act of the Parliament of Canada; or
- (b) relieving the member from duty is necessary to maintain:
 - (i) public confidence in the police service; or
 - (ii) the security of police operations.

(2) A board may order a chief to be relieved from duty with pay for up to 30 days where, in the opinion of the board:

- (a) there are reasonable grounds to believe that the chief has contravened a provision of:
 - (i) this Act, the regulations or a board directive made pursuant to section 31; or
 - (ii) any other Act or an Act of the Parliament of Canada; or
- (b) relieving the chief from duty is necessary to maintain:
 - (i) public confidence in the police service; or
 - (ii) the security of police operations.

- (3) On the application of the chief or board, as the case may be, an order pursuant to subsection (1) or (2) may be continued after 30 days from the date of the order if:
- (a) the order is reviewed by a hearing officer; and
 - (b) the review is commenced within 30 days after the date of the order.
- (4) A member or chief who is the subject of an order pursuant to subsection (1) or (2) may, within 30 days after the date of the order, apply to a hearing officer for a review of:
- (a) the order; or
 - (b) any terms or conditions in the order.
- (5) Following a review pursuant to subsection (3) or (4), the hearing officer may:
- (a) terminate the order on any terms and conditions the hearing officer considers appropriate;
 - (b) continue the order with pay on any terms or conditions the hearing officer considers appropriate; or
 - (c) in extraordinary circumstances and at the request of the chief or board, as the case may be, continue the order without pay, or with a reduction of pay, on any terms or conditions the hearing officer considers appropriate.
- (6) The hearing officer may make an order banning the publication of any name or address of an individual involved in a review.
- (7) Where an order is continued pursuant to clause (5)(b), the member or chief who is the subject of the order is to receive all of the pay, remuneration, pension benefits and seniority to which he or she would have been entitled if the order had not been continued.
- (8) An order pursuant to this section may occur only pending a disposition pursuant to this Part.
- (9) An order of a hearing officer pursuant to this section may be appealed to the commission by a member or chief who is the subject of the order, or by the chief or board that applied to the hearing officer for a review pursuant to section (3), for a review of:
- (a) the order; or
 - (b) any terms or conditions of the order.
- (10) The chairperson of the commission or the chairperson's delegate may hear an appeal pursuant to subsection (9) and may:
- (a) dismiss the appeal;
 - (b) allow the appeal; or
 - (c) vary the terms or conditions of the order.

- (11) The chairperson or the chairperson's delegate may make an order banning the publication of any name or address of an individual involved in an appeal.
- (12) A member or chief shall receive all of the pay, remuneration, pension benefits and seniority to which he or she would have been entitled but for the order if the member or chief:
- (a) is not disciplined pursuant to clause 48(1)(a) or 52(1)(a) or subclause 54.1(2)(b)(i) or 55.1(2)(b)(i);
 - (b) is not the subject of an order made pursuant to subsection 60(1);
 - (c) has not been dismissed pursuant to section 68; and
 - (d) is acquitted on all charges, if any, brought against him or her pursuant to this Act, the regulations, any other Act or any Act of the Parliament of Canada.
- (13) An application or appeal pursuant to this section shall be made in the manner prescribed in the regulations.

2001, c.29, s.24; 2011, c.12, s.9.

INVESTIGATIONS WITHOUT PUBLIC COMPLAINT

Investigation without complaint regarding member

- 54(1)** A chief shall cause an investigation to be conducted into any allegation of misconduct by a member, including an allegation that the actions of the member may constitute an offence pursuant to an Act or an Act of the Parliament of Canada.
- (2) If the matter to be investigated pursuant to subsection (1) directly relates to a member of the public, the chief shall, as soon as is practicable, advise the PCC, in writing, of the substance of the matter.
- (3) If the PCC is of the opinion that it is advisable to do so, the PCC may declare the matter to be a public complaint to be dealt with pursuant to sections 45 to 48.
- (4) If the PCC declares a matter to be a public complaint pursuant to subsection (3):
- (a) the member of the public to whom the matter directly relates is deemed to be the complainant; and
 - (b) the PCC may waive the requirements for notifying the complainant pursuant to this Part if it is of the opinion that it is advisable to do so.

2005, c.25, s.26.

Mediation regarding allegation of misconduct by a member

54.01(1) If the PCC does not declare the matter to be a public complaint pursuant to subsection 54(3), the chief may, at any point before the completion of an investigation, refer the matter that is the subject of the investigation to mediation if the chief:

- (a) has the consent of the member;
- (b) has the approval of a hearing officer designated by the commission; and
- (c) is of the opinion that it is in the public interest to do so.

(2) If mediation is conducted respecting an allegation of misconduct by a member, the minister shall:

- (a) pay to the mediator the remuneration determined by the Lieutenant Governor in Council; and
- (b) reimburse the mediator for expenses at rates determined by the Lieutenant Governor in Council.

(3) A settlement may be concluded in relation to an allegation of misconduct by a member only with the approval of the commission.

(4) A settlement pursuant to this section has no force or effect unless approved by the commission.

2011, c.12, s.10.

Internal discipline re member

54.1(1) If, after an investigation conducted pursuant to subsection 54(1), internal discipline proceedings are initiated pursuant to this Part with respect to a member, the chief shall, as soon as is practicable, advise the member who is the subject of the proceedings, in writing, of the substance of the matter.

(2) Notwithstanding any other provision of this Part, if, after an investigation conducted pursuant to subsection 54(1), the chief is of the opinion that the actions of the member may constitute:

- (a) an offence pursuant to an Act or an Act of the Parliament of Canada, the chief shall refer the matter to the minister or the Attorney General of Canada, as the case may be; or
- (b) a contravention of the regulations governing the discipline of members:
 - (i) the chief, subject to the consent of the member, may order remedial action to be taken in accordance with the regulations without charging the member; or
 - (ii) if the chief does not proceed pursuant to subclause (i), the chief shall charge the member with a major or minor disciplinary offence and order a hearing into the matter as it relates to the contravention.

(3) If a matter is disposed of pursuant to subclause (2)(b)(i), the chief, within 15 days after the disposition, shall give notice in writing of the disposition to the member.

2005, c.25, s.26.

Investigation without complaint regarding a chief

55(1) A board shall cause an investigation to be conducted into any allegation of misconduct by a chief, including an allegation that the actions of the chief may constitute an offence pursuant to an Act or an Act of the Parliament of Canada.

(1.1) If an allegation of misconduct by a chief is made to the board by a member, any disclosure of information for the purposes of that allegation does not constitute an offence for which the member may be disciplined pursuant to this Act or the regulations, unless it is determined that the allegation is:

- (a) trivial, frivolous or vexatious; or
- (b) unfounded and made in bad faith.

(2) If the matter to be investigated pursuant to subsection (1) directly relates to a member of the public, the board shall, as soon as is practicable, advise the PCC, in writing, of the substance of the matter.

(3) If the PCC is of the opinion that it is advisable to do so, the PCC may declare the matter to be a public complaint to be dealt with pursuant to sections 49 to 52.

- (4) If the PCC declares a matter to be a public complaint pursuant to subsection (3):
- (a) the member of the public to whom the matter directly relates is deemed to be the complainant; and
 - (b) the PCC may waive the requirements for notifying the complainant pursuant to this Part if it is of the opinion that it is advisable to do so.

2005, c.25, s.26; 2011, c.12, s.11.

Mediation regarding allegation of misconduct by a chief

55.01(1) If the PCC does not declare the matter to be a public complaint pursuant to subsection 55(3), the board may, at any point before the completion of an investigation, refer the matter that is the subject of the investigation to mediation if the board:

- (a) has the consent of the chief;
- (b) has the approval of a hearing officer designated by the commission; and
- (c) is of the opinion that it is in the public interest to do so.

(2) If mediation is conducted respecting an allegation of misconduct by a chief, the minister shall:

- (a) pay to the mediator the remuneration determined by the Lieutenant Governor in Council; and
- (b) reimburse the mediator for expenses at rates determined by the Lieutenant Governor in Council.

(3) A settlement may be concluded in relation to an allegation of misconduct by a chief only with the approval of the commission.

(4) A settlement pursuant to this section has no force or effect unless approved by the commission.

2011, c.12, s.12.

Internal discipline re chief

55.1(1) If, after an investigation conducted pursuant to subsection 55(1), internal discipline proceedings are initiated pursuant to this Part with respect to a chief, the board shall, as soon as is practicable, advise the chief who is the subject of the proceedings, in writing, of the substance of the matter.

(2) Notwithstanding any other provision of this Part, if, after an investigation conducted pursuant to subsection 55(1), the board is of the opinion that the actions of the chief may constitute:

(a) an offence pursuant to an Act or an Act of the Parliament of Canada, the board shall refer the matter to the minister or the Attorney General of Canada, as the case may be; or

(b) a contravention of the regulations governing discipline:

(i) the board, subject to the consent of the chief, may order remedial action to be taken in accordance with the regulations without charging the chief; or

(ii) if the board does not proceed pursuant to subclause (i), the board shall charge the chief with a major or minor disciplinary offence and order a hearing into the matter as it relates to the contravention.

(3) If a matter is disposed of pursuant to subclause (2)(b)(i), the board, within 15 days after the disposition, shall give notice in writing of the disposition to the chief.

2005, c.25, s.26.

HEARING**Evidentiary rules**

56(1) Where a hearing is proceeded with pursuant to section 48, 52, 54.1 or 55.1, the rules prescribed in this section apply to the hearing.

(2) All hearings pursuant to this Part are to be conducted by a hearing officer designated by the minister from the hearing officers appointed pursuant to section 17.

(3) All hearings governed by this Part shall begin within 60 days after the designation of the hearing officer by the minister and shall be completed within a reasonable time and without undue delay, but may be adjourned from time to time.

(4) At least 10 days before the commencement of a hearing governed by this Part, the hearing officer shall cause a notice in writing of the time, place and purpose of the hearing to be served on:

(a) the person who is the subject of the hearing;

(b) where a public complaint is involved, the complainant and the PCC; and

(c) any other person that the hearing officer considers appropriate.

- (5) The rules of evidence for all hearings conducted pursuant to this Part are the same as in civil cases in the Court of Queen's Bench.
- (6) No evidence given by a chief, member or civilian member during a hearing governed by this Part is to be used or received against him or her in any civil proceedings or in any proceedings pursuant to any other Act if it tends to incriminate him or her, subject him or her to punishment or establish his or her liability.
- (7) A member or chief with respect to whom a public complaint is made or who is the subject of internal discipline proceedings is entitled to:
- (a) appear before the hearing officer; and
 - (b) be represented by legal counsel or an agent.
- (8) Subject to the regulations, a witness or interpreter, other than one employed by a police service, attending a hearing governed by this Part is entitled to those fees and expenses that would be payable to a witness or interpreter pursuant to *The Queen's Bench Fees Regulations*.
- (9) A hearing pursuant to this Part is open to the public, representatives of the local police association and the complainant.
- (9.1) Notwithstanding subsection (9), the hearing officer may exclude the public, representatives of the local police association or the complainant from any part of the hearing where the hearing officer is of the opinion that the evidence:
- (a) may prejudice an investigation or the security of police operations;
 - (b) will unduly violate the privacy of a person other than the member whose conduct is the subject of the hearing; or
 - (c) relates solely to employment performance and not to conduct and:
 - (i) does not have any impact on a member of the public or on public confidence in the police service or policing generally; and
 - (ii) it is not contrary to the public interest to do so.
- (9.2) The hearing officer may:
- (a) make an order banning the publication of any name or address of an individual involved in a hearing;
 - (b) if the conditions set out in clause (9.1)(c) are met, make an order banning:
 - (i) the publication of any oral evidence given or documentary evidence submitted at the hearing; or
 - (ii) the publication of the decision; or
 - (c) do any combination of the things mentioned in clauses (a) and (b).
- (9.3) The hearing officer may make an order directing the party prosecuting the hearing to reimburse a complainant for reasonable expenses, other than legal costs, that the complainant incurs in attending the hearing.

- (10) All oral evidence received at a hearing conducted pursuant to this Part, is to be taken down in writing or recorded by electronic means.
- (11) All the evidence taken down in writing or recorded by electronic means and all documentary evidence and things received in evidence at a hearing conducted pursuant to this Part forms the record of the hearing.
- (12) All evidence heard before a hearing officer shall be taken under oath or affirmation.
- (13) At any hearing governed by this Part, the burden of proof lies with the person prosecuting the offence.

1990-91, c.P-15.01, s.56; 2001, c.29, s.16; 2005, c.25, s.27; 2011, c.12, s.13; 2018, c.42, s.65.

Suspension of proceeding

57 Notwithstanding anything in this or any other Act, where a matter has been referred to the minister or the Attorney General for Canada, the minister may order that any proceeding pursuant to this Act be suspended until the minister directs otherwise.

1990-91, c.P-15.01, s.57.

Powers of hearing officers

58(1) For an offence designated in the regulations as a major disciplinary offence, a hearing officer may, in accordance with the regulations:

- (a) order dismissal of the member or chief;
 - (b) order demotion of the member or chief;
 - (c) order suspension of the member or chief with or without pay for a period up to 60 days;
 - (d) order the member or chief to pay a fine not exceeding \$1,000;
 - (e) order a period of probation or close supervision of the member or chief;
 - (f) order the member or chief to undergo counselling, treatment or training;
 - (g) issue a reprimand to the member or chief;
 - (h) make any order he or she deems fit;
 - (i) do any combination of the things mentioned in clauses (a) to (h); or
 - (j) dismiss the matter.
- (2) For an offence designated in the regulations as a minor disciplinary offence, a hearing officer may, in accordance with the regulations:
- (a) order a period of probation or close supervision for the member or chief;
 - (a.1) order the suspension of the member or chief with or without pay for a period of up to one day;

- (b) order the member or chief to pay a fine not exceeding \$350;
 - (c) order the member or chief to undergo counselling, treatment or training;
 - (d) issue a reprimand to the member or chief;
 - (e) make any order he or she deems fit;
 - (f) do any combination of the things mentioned in clauses (a) to (e); or
 - (g) dismiss the matter.
- (3) For the purposes of clause (2)(a.1), “day” includes a work period of up to 8 hours.

1990-91, c.P-15.01, s.58; 2001, c.29, s.17.

Timing of decision

58.1 After the conclusion of the hearing, the hearing officer shall make a decision within a reasonable time and without undue delay.

2011, c.12, s.14.

Notice of decision

59(1) A hearing officer, after making a decision with respect to a public complaint, shall give notice in writing to:

- (a) the person against whom the complaint is made;
- (b) the complainant;
- (c) the PCC;
- (d) the chief or board, as the case may be; and
- (e) the commission;

of the findings of the hearing, any action taken pursuant to section 58 and of the rights of appeal provided for pursuant to this Act.

(1.1) Notwithstanding *The Freedom of Information and Protection of Privacy Act*, the commission:

- (a) shall, subject to any order of the hearing officer made pursuant to subsection 56(9.2), make a decision of a hearing officer received pursuant to subsection 59(1) after the coming into force of this section available to the public; and
- (b) may, where it considers it appropriate, make all or part of a decision of a hearing officer made before the coming into force of this section available to the public.

(2) A hearing officer, after making a decision with respect to internal discipline proceedings, shall immediately give notice in writing to:

- (a) the person who is subject of the proceedings; and
- (b) the board or the chief, as the case may be;

of the findings of the hearing, any action taken pursuant to section 58 and the rights of appeal provided for pursuant to this Act.

(3) Within 30 days after the day on which a member, chief, board or complainant is given notice of a decision of a hearing officer pursuant to section 58, the member, chief, board or complainant may apply to the commission for permission to appeal that decision to the commission pursuant to section 69.

1990-91, c.P-15.01, s.59; 2001, c.29, s.18; 2005, c.25, s.28; 2011, c.12, s.15.

INCOMPETENCE AND UNSUITABILITY

Order respecting incompetence or unsuitability

60(1) Subject to subsections (3) and (4), the chief may do any of the things mentioned in subsection (2) if, in the opinion of the chief, a member:

(a) has rendered himself or herself unsuitable for police service by having been found guilty of an offence pursuant to:

- (i) the *Criminal Code* (Canada);
- (ii) any other Act of the Parliament of Canada; or
- (iii) any Act; or

(b) has conducted himself or herself in a manner that, despite remedial efforts if it was reasonable in the circumstances to make remedial efforts, renders the member unsuitable for police service or establishes the member as incompetent for police service.

(2) In the circumstances mentioned in subsection (1), the chief may do any of the following:

- (a) order dismissal of the member;
- (b) order demotion of the member;
- (c) order suspension of the member with or without pay for a period of up to 60 days;
- (d) order a period of probation or close supervision of the member;
- (e) order the member to undergo counselling, treatment or training;
- (f) issue a reprimand to the member;
- (g) make any order he or she deems fit; or
- (h) do any combination of the things mentioned in clauses (a) to (g).

(3) For the purposes of clause (1)(b), the chief must be satisfied that:

- (a) the member's deficiencies were brought to the member's attention;
- (b) the member was given a reasonable opportunity to bring his or her performance up to an acceptable level or standard; and
- (c) if reasonable in the circumstances, the member was afforded treatment, training, guidance, coaching or counselling to assist the member in reaching an acceptable level or standard of performance.

(4) Before doing any of the things mentioned in subsection (2), the chief must be satisfied that:

- (a) there is an established history of disciplinary actions with respect to the member; or
- (b) in the absence of an established history of disciplinary actions, the member has conducted himself or herself in a manner that is likely to undermine public confidence in the police service.

(5) If the chief has made an order pursuant to subsection (2), the chief shall immediately give notice in writing to the member of the basis for that decision.

(6) If a collective bargaining agreement provides a procedure for terminating the services of a member for reasons other than those provided in this Part, that procedure shall be used for terminating the services of a member for the reasons provided in the collective bargaining agreement.

2011, c.12, s.16.

Hearing

61(1) Within 30 days after the day on which a member is given notice of a decision of a chief pursuant to section 60, the member may appeal that decision to a hearing officer by submitting a notice of appeal to the office of the commission.

(2) A member is entitled to be represented at a hearing pursuant to subsection (1) by legal counsel or an agent.

(3) At a hearing pursuant to subsection (1), the burden of proof lies with the chief.

(4) Section 56 applies, with any necessary modification, to a hearing conducted pursuant to subsection (1).

1990-91, c.P-15.01, s.61; 2001, c.29, s.20.

Decision or order final

62 Subject to any right of appeal to the commission under this Act, every decision or order of the hearing officer is final, and no order, decision or proceeding of the hearing officer shall be questioned, reviewed, restrained or removed by prohibition, injunction, *certiorari*, *mandamus* or any other process or proceeding in any court.

1990-91, c.P-15.01, s.62.

Duty to consider circumstances

63 Where a hearing officer hears an appeal pursuant to section 61, the hearing officer shall consider whether:

- (a) the member's deficiencies were brought to the member's attention;
- (b) the member was given a reasonable opportunity to bring his or her performance up to an acceptable level or standard; and
- (c) where it was reasonable to do so, the member was afforded appropriate treatment, training, guidance, coaching or counselling to assist the member in reaching a suitable level or standard of performance.

1990-91, c.P-15.01, s.63.

Evidence of conviction or discharge

64 For the purpose of a hearing conducted pursuant to section 61, the hearing officer shall receive evidence of a member's conviction, absolute discharge or conditional discharge for an offence pursuant to:

- (a) the *Criminal Code*;
- (b) any other Act of the Parliament of Canada; or
- (c) any Act;

as proof that the member in question committed that offence, and no further evidence establishing that the member committed the offence is required.

1990-91, c.P-15.01, s.64; 2016, c28, s.19.

Powers of hearing officer

65(1) With respect to a hearing conducted pursuant to section 61, the hearing officer may, after hearing any representations made by the member and the chief:

- (a) dismiss the appeal;
- (b) allow the appeal;
- (c) vary the decision or order of the chief; or
- (d) make any other order that the hearing officer considers appropriate.

(2) Without limiting the generality of subsection (1), where a member has been dismissed, the hearing officer may order that the member be reinstated.

(3) The hearing officer, within 15 days of making a decision pursuant to subsection (1), shall give written notice to the member and the chief of that decision.

1990-91, c.P-15.01, s.65.

Appeal

66 Within 30 days after the day on which a member is informed of a decision pursuant to section 65, the member or the chief may apply to the commission for permission to appeal the decision pursuant to section 69.

1990-91, c.P-15.01, s.66.

Probationary members

67(1) Notwithstanding any provision in this Part, a chief may do any of the things mentioned in clauses 60(2)(a) to (h) respecting a probationary member.

(2) An order made pursuant to subsection (1) is final and is not subject to appeal or review.

2001, c.29, s.21; 2016, c28, s.19.

Dismissal of chief

68(1) Notwithstanding anything in this Act, a chief may be dismissed:

- (a) for cause;
 - (a.1) pursuant to the terms of the employment contract between the chief and the board; or
 - (b) on any terms and conditions that the chief and the board may otherwise agree.

(2) Where a chief is dismissed pursuant to clause (1)(a), the chief may apply to the commission within 30 days of the dismissal for permission to appeal the decision of the board to the commission pursuant to section 69.

1990-91, c.P-15.01, s.68; 1993, c.36, s.5.

APPEAL TO COMMISSION

Procedure on application for permission

69(1) A person entitled to apply to the commission for permission to appeal shall serve on the commission a notice of application for permission to appeal all or part of the decision to the commission.

(2) The PCC may apply to the commission for permission to appeal a decision pursuant to this Part and, where the PCC applies, this section applies to that application.

(3) An application for permission to appeal is to:

- (a) be in writing;
- (b) be in the form prescribed in the regulations; and
- (c) set out the reasons for requesting an appeal.

(4) The commission shall grant permission to appeal where:

- (a) the PCC seeks permission to appeal on the PCC's own behalf or on behalf of a complainant;
- (b) the decision affecting the member or chief seeking an appeal imposes:
 - (i) dismissal; or
 - (ii) a demotion in rank;
- (c) after considering:
 - (i) the notice of application;
 - (ii) the record; and
 - (iii) any other information the commission considers necessary;

the commission has concerns regarding the thoroughness or fairness of the investigation or hearing;

- (d) in the opinion of the commission, the disciplinary action imposed may not be comparable to disciplinary action imposed with respect to similar proceedings; or
 - (e) there are any other grounds that the commission considers appropriate.
- (5) An application for permission to appeal may be heard and disposed of pursuant to this section by the chairperson of the commission or by a commissioner designated by the chairperson for that purpose.

1990-91, c.P-15.01, s.69; 2005, c.25, s.29.

Procedure on appeal

- 70(1)** An appeal to the commission pursuant to this section shall proceed on the basis of the record unless the commission orders otherwise.
- (2) The commission shall cause all proceedings on an appeal pursuant to this section to be recorded.
- (3) An appeal pursuant to this section is to be open to the public unless the commission orders otherwise.
- (4) An appeal to the commission pursuant to this Part is to be proceeded with in accordance with this Act and the regulations.
- (5) Subject to subsection (7), not less than three commissioners shall hear an appeal.
- (6) A decision of the majority of the commissioners hearing an appeal is the decision of the commission.
- (7) Where all parties involved in an appeal agree, the appeal may be heard by one commissioner and, in that case, the decision of that commissioner is the decision of the commission.
- (8) No evidence given by a chief, member or civilian member during an appeal pursuant to this section is to be used or received against him or her in any civil proceedings or in any proceedings under any other Act if it tends to incriminate him or her, subject him or her to punishment or establish his or her liability.
- (9) All evidence heard before the commission or a commissioner shall be taken under oath or affirmation.
- (10) Where through the absence, illness, death or resignation of one or more commissioners, or for any other reason, one or more of the commissioners are not available, the chairperson of the commission may request that a hearing officer who has had no previous involvement with the matter sit as a commissioner and take part in the hearing and decision of any appeal before the commission.
- (11) A hearing officer who takes part in a hearing and decision of an appeal before the commission pursuant to subsection (10) has all the powers, duties and rights of a commissioner in a hearing and decision of an appeal.

1990-91, c.P-15.01, s.70.

Powers of commission

71(1) On hearing an appeal pursuant to section 70, the commission may:

- (a) adjourn the appeal from time to time;
- (b) dismiss the appeal;
- (c) allow the appeal;
- (d) vary the decision or order;
- (e) order a new hearing by the hearing officer.

(2) Without limiting the generality of subsection (1), where a member has been dismissed, the commission may order that the member be reinstated.

(3) Without limiting the generality of subsection (1), where a chief has been dismissed for a contravention of the regulations governing discipline, the commission may order that the chief be reinstated.

(4) Where a chief has been dismissed pursuant to section 68 the commission, where it considers the dismissal to have been unjust, may reinstate the chief or award damages for unjust dismissal.

(5) A decision of the commission to award damages for unjust dismissal, within 30 days of that decision, may be appealed by the chief or board to the Court of Queen's Bench.

(6) Notwithstanding *The Freedom of Information and Protection of Privacy Act*, the commission:

- (a) shall make a decision of the commission made after the coming into force of this section available to the public, subject to any directions of the commission respecting the withholding of names or locations mentioned in that decision; and
- (b) may, where it considers it appropriate, make all or part of a decision of the commission made before the coming into force of this section available to the public.

1990-91, c.P-15.01, s.71; 2001, c.29, s.22; 2018, c.42, s.65.

No certiorari, etc.

72 Subject to subsection 71(5), every decision or order of the commission is final, and no order, decision or proceeding of the commission shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari*, *mandamus* or any other process or proceeding in any court.

1990-91, c.P-15.01, s.72.

Compliance required

73 Subject to any appeal, if a hearing officer or the commission has made an order or decision respecting a member, chief or board or the PCC, the member, chief or board or the PCC shall comply with that order or decision.

2005, c.25, s.30.

Prosecution

74(1) Subject to subsection (2), a hearing or appeal conducted pursuant to this Part is to be prosecuted:

- (a) by the chief who or board that brought the charge or allegation of unsuitability or incompetence against the member or chief; or
 - (b) by an individual designated by the chief or board to conduct the prosecution on the chief's or board's behalf.
- (2) If the PCC has chosen to proceed pursuant to clause 45.1(2)(c) or 49.1(2)(c), a hearing or appeal conducted pursuant to this Part is to be prosecuted by an individual designated by the PCC to conduct the prosecution on its behalf.
- (3) The police service whose member is the subject of the prosecution shall bear the PCC's costs in prosecuting a hearing or conducting an appeal pursuant to this Part or in conducting a review pursuant to clause 45.1(2)(c) or 49.1(2)(c).

2005, c.25, s.31.

PART V Special Constables

Interpretation of Part, "municipality"

75 In this Part, "**municipality**" means a municipality as defined in subsection 27(1) of *The Interpretation Act, 1995*.

2005, c.M-36.1, s.454.

Appointment

76(1) The minister may:

- (a) appoint any individual as a special constable, or a class of individuals as special constables, that the minister considers necessary, on any terms and conditions that the minister considers advisable; and
 - (b) suspend or cancel the appointment of any special constable or class of special constables appointed pursuant to clause (a).
- (2) The appointment of a special constable or class of special constables:
- (a) is to be in writing; and
 - (b) subject to the regulations, is to specify:
 - (i) the authority, responsibilities and duties of the special constable or class of special constables;
 - (ii) the territorial jurisdiction of the special constable or class of special constables;
 - (iii) whether Part IV applies to the special constable or class of special constables;

- (iv) where Part IV does apply to the special constable or class of special constables and there is no chief or board, the person or category of persons who, for disciplinary purposes, shall fill the role of the chief or board; and
 - (v) the employer of the special constable or class of special constables.
- (3) Where a council of a municipality, a chief or a board wishes to have a special constable or class of special constables appointed, the chief, board or council shall apply, in the form prescribed in the regulations, to the minister.
- (4) On receipt of an application pursuant to subsection (3) and where the minister considers it to be appropriate, the minister may appoint the special constable or class of special constables.
- (5) Notwithstanding subsection (3), a chief may directly appoint a special constable pursuant to this section where the appointment:
- (a) is in writing;
 - (b) is to the police service for which the chief has been appointed;
 - (c) specifies the authorities, responsibilities and duties of the special constable in accordance with the regulations;
 - (d) is restricted in territorial jurisdiction to the municipality of the police service for which the chief has been appointed; and
 - (e) stipulates that Part IV applies to that special constable.
- (6) The minister or chief shall advise the commission of all appointments of special constables or classes of special constables made pursuant to this section.

2000, c.59, s.5.

Responsibility for special constables

77 The employer of a special constable or class of special constables appointed pursuant to this Part is responsible for ensuring that the special constable or class of special constables fulfils the duties imposed by this Act and exercises the powers conferred by this Act in a proper manner.

2000, c.59, s.6.

Status of special constable

78 Subject to the limitations of the appointment pursuant to section 76, a person who is appointed as a special constable is, while carrying out the duties of a special constable, a peace officer.

1990-91, c.P-15.01, s.78.

Oath or affirmation

79 A special constable, before entering on the duties of a special constable, shall take and subscribe to an oath or affirmation in the form prescribed in the regulations before a person authorized to administer an oath or affirmation.

1990-91, c.P-15.01, s.79.

Complaints re special constables

80(1) Where the minister has specified in the appointment of a special constable or class of special constables that Part IV applies, a complaint initiated by a member of the public with respect to that special constable or a special constable of that class is deemed to be a public complaint within the meaning of Part IV and shall be dealt with pursuant to that Part, with any necessary modification.

(2) Where the minister has not specified in the appointment of a special constable or class of special constables that Part IV applies, and a complaint initiated by a member of the public is received with respect to that special constable or a special constable of that class, the complaint shall be forwarded to the minister, and the minister is responsible for handling the complaint.

2000, c.59, s.7.

PART V.1
Cross-border Policing

DIVISION 1
Interpretation of Part

Interpretation of Part

80.1 In this Part:

- (a) **“appointee”** means an extra-jurisdictional police officer who is appointed as a police officer in Saskatchewan pursuant to this Part;
- (b) **“appointing official”** means a person designated pursuant to section 80.7;
- (c) **“extra-jurisdictional commander”** means:
 - (i) the commanding officer, director general or commissioner of the provincial police service of another province or that person’s designate; or
 - (ii) the chief of police of a municipal or regional police service from another province or territory or that chief of police’s designate;
- (d) **“extra-jurisdictional police officer”** means a police officer appointed or employed pursuant to the law of another province or territory, but does not include a member of the Royal Canadian Mounted Police;
- (e) **“local commander”** means:
 - (i) with respect to a municipal police service, the chief of police of that service; and
 - (ii) with respect to a local detachment, the senior officer of that local detachment;
- (f) **“local detachment”** means a detachment of the Royal Canadian Mounted Police that is responsible for providing policing services to a municipality;

(g) “**municipal police service**” means a police service established for a municipality in Saskatchewan pursuant to section 24.1, 26 or 28;

(h) “**police officer in Saskatchewan**” means an extra-jurisdictional police officer who is appointed pursuant to this Part.

2005, c.25, s.32; 2011, c.12, s.17.

DIVISION 2 Standard Appointment Procedure

Appointing official to make appointment

80.2 An appointing official may appoint an extra-jurisdictional police officer as a police officer in Saskatchewan for a period of not more than one year in accordance with this Division.

2005, c.25, s.32.

Extra-jurisdictional request for appointment

80.21(1) An extra-jurisdictional commander may request that an extra-jurisdictional police officer under the commander’s command be appointed as a police officer in Saskatchewan so that the extra-jurisdictional police officer has the powers and protections of a member pursuant to section 36 while the extra-jurisdictional police officer performs police duties in Saskatchewan.

(2) A request pursuant to this section must be made in writing to an appointing official.

(3) A request pursuant to this section must include the following information:

- (a) the name and rank of the extra-jurisdictional police officer to be appointed;
- (b) the duration of the requested appointment;
- (c) the name and telephone number of the immediate supervisor of the extra-jurisdictional police officer to be appointed;
- (d) a general description of the extra-jurisdictional police officer’s duties in Saskatchewan and, in the case of an operation or investigation, the name of each person who is a target of the operation or investigation, if known;
- (e) where the extra-jurisdictional police officer is expected to perform his or her duties;
- (f) an assessment of the risks associated with the extra-jurisdictional police officer’s duties, including the possibility of the use of firearms;
- (g) whether the duties might require a designation to be made pursuant to section 25.1 of the *Criminal Code*.

2005, c.25, s.32.

Additional information

80.22 The appointing official may communicate with the extra-jurisdictional commander to obtain any additional information about the request that the appointing official considers necessary.

2005, c.25, s.32.

Review with affected police services

80.23 Before deciding whether to make the requested appointment, the appointing official may review the request with any local commander that the appointing official believes might be affected if the appointment is made.

2005, c.25, s.32.

Deadline for decision

80.24 Within seven days after receiving a request, the appointing official must either:

- (a) make the requested appointment; or
- (b) advise the extra-jurisdictional commander that the request has been denied.

2005, c.25, s.32.

Decision to approve within the discretion of the appointing official

80.25(1) The appointing official may make the requested appointment if the appointing official is of the opinion that it is appropriate in the circumstances for the extra-jurisdictional police officer to be appointed as a police officer in Saskatchewan.

- (2) The appointment must be made in a form approved by the minister.
- (3) The appointing official may impose any conditions on the appointment that the appointing official considers appropriate or necessary.
- (4) Any conditions on an appointment must be set out on the appointment form.

2005, c.25, s.32.

To whom appointment form must be provided

80.26 As soon as is reasonably possible, but not later than five days after making the appointment, the appointing official must provide a copy of the appointment form to:

- (a) the appointee; and
- (b) the appointee's extra-jurisdictional commander.

2005, c.25, s.32.

When appointment effective

80.27 The appointment is not effective until the appointee receives a copy of the appointment form from the appointing official.

2005, c.25, s.32.

Notice to minister

80.28(1) As soon as is reasonably possible, but not later than five days after making the appointment, the appointing official must provide the minister with written notice of the appointment.

(2) The notice must contain only the following information:

- (a) the name and rank of the appointee;
- (b) the name of the appointee's police service;
- (c) the term of the appointment; and
- (d) the reason for the appointment.

2005, c.25, s.32; 2011, c.12, s.18.

DIVISION 3**Appointment in Urgent Circumstances****Local commander to make appointment**

80.3 A local commander may appoint an extra-jurisdictional police officer as a police officer in Saskatchewan pursuant to this Division for a period of not more than 72 hours in accordance with this Division.

2005, c.25, s.32.

Request for appointment

80.31(1) An extra-jurisdictional police officer may request appointment as a police officer in Saskatchewan if the extra-jurisdictional police officer:

- (a) wishes to have the powers and protections of a police officer in Saskatchewan while participating in an operation or investigation in Saskatchewan; and
- (b) believes that the operation or investigation could be compromised by the delay that would result if the extra-jurisdictional police officer were required to request an appointment pursuant to Division 2.

(2) If it is impractical for the extra-jurisdictional police officer to make the request, that extra-jurisdictional police officer's immediate supervisor may request the appointment on behalf of the extra-jurisdictional police officer.

(3) A request pursuant to this section:

- (a) must be made to the local commander in the area where the operation or investigation is expected to be conducted; and
- (b) may be made orally or in writing.

- (4) A request pursuant to this section must include:
- (a) the information required pursuant to subsection 80.21(3); and
 - (b) an explanation of how the operation or investigation could be compromised if the extra-jurisdictional police officer were required to request an appointment pursuant to Division 2.

2005, c.25, s.32.

Additional information

80.32 The local commander may communicate with the extra-jurisdictional police officer and the extra-jurisdictional police officer's immediate supervisor to obtain any additional information about the request that the local commander considers necessary.

2005, c.25, s.32.

Timing of decision

80.33 As soon as is reasonably possible after a request is made pursuant to this Division, the local commander must either:

- (a) make the requested appointment; or
- (b) advise the requesting extra-jurisdictional police officer or, if the request is made by the extra-jurisdictional police officer's immediate supervisor, the immediate supervisor that the request has been denied.

2005, c.25, s.32.

Appointment

80.34(1) The local commander may make the requested appointment if he or she is of the opinion that:

- (a) it is appropriate in the circumstances for the appointment to be made; and
 - (b) the delay that would result from requiring a request to be made pursuant to Division 2 could compromise the extra-jurisdictional police officer's operation or investigation.
- (2) The appointment must be made in a form approved by the minister.
- (3) The local commander may impose any conditions on the appointment that the local commander considers appropriate or necessary.
- (4) Any conditions on an appointment must be set out on the appointment form.

2005, c.25, s.32.

Providing appointment form

80.35 As soon as is reasonably possible after making the appointment, the local commander must provide a copy of the appointment form to the appointee.

2005, c.25, s.32.

When appointment effective

80.36 Subject to section 80.37, the appointment is not effective until the appointee receives a copy of the appointment form from the appointing official.

2005, c.25, s.32.

Appointment with immediate effect

80.37(1) A local commander who determines that it is impractical to provide the appointee with a copy of the appointment form before the appointee requires the powers and protections of a police officer in Saskatchewan may make the appointment effective immediately by:

- (a) indicating on the appointment form that the appointment is effective immediately and the exact time when the appointment is made; and
- (b) giving oral confirmation of the appointment to the appointee, including the exact times when the appointment is effective and expires and any conditions imposed on the appointment.

(2) If the request for appointment was made pursuant to subsection 80.31(2), oral confirmation of the appointment may be given to the appointee's immediate supervisor.

2005, c.25, s.32.

Notice to appointing official

80.38 Within three days after making the appointment, the local commander must provide an appointing official with a copy of the appointment form and all information provided to the local commander in support of the request for the appointment.

2005, c.25, s.32.

Notice to extra-jurisdictional commander and minister

80.381 As soon as is reasonably possible after the appointment is made, the appointing official who received notice pursuant to section 80.38 must:

- (a) provide a copy of the appointment form to the appointee's extra-jurisdictional commander; and
- (b) provide the minister with written notice of the appointment that meets the requirements of subsection 80.28(2).

2005, c.25, s.32.

Renewing appointment

80.39(1) At the request of the appointee or the appointee's immediate supervisor, the local commander may renew an appointment made pursuant to this Division for a period of not more than 72 hours if:

- (a) a request for an appointment pursuant to Division 2 has been made on the appointee's behalf; and
- (b) a decision has not been made to approve or deny that request.

(2) Sections 80.31 to 80.381 apply, with any necessary modification, to the renewal of an appointment made pursuant to this Division.

(3) An appointment made pursuant to this Division may be renewed more than once, as long as the conditions in subsection (1) are satisfied.

2005, c.25, s.32.

DIVISION 4 **Appointee's Duties and Status**

Advance notice to local commander

80.4(1) Before performing any police duties in an area of Saskatchewan, an appointee must give notice to the local commander of the police service or local detachment providing policing services to that area, unless the duties are of a routine nature that are unlikely to affect the policing services provided by the police service or local detachment.

(2) The notice must include a general description of the appointee's duties and all conditions imposed on the appointment.

(3) If it is impractical for the appointee to give notice to the local commander before performing his or her duties in that area, the appointee must do so as soon as possible after the first duties are performed.

2005, c.25, s.32.

Appointee must comply with request

80.41(1) A local commander may provide direction to an appointee specifying how the appointee's duties are to be performed in the area in which the local commander's police service or the local detachment provides policing services.

(2) An appointee must comply with every direction made pursuant to subsection (1).

2005, c.25, s.32.

Terminating appointment

80.42(1) An appointing official may terminate an appointment before it expires if he or she is of the opinion that:

- (a) the appointee has failed to:
 - (i) comply with this Act;
 - (ii) comply with a condition imposed on the appointment; or
 - (iii) act in a professional manner at any time while in Saskatchewan; or
- (b) it is no longer appropriate in the circumstances for the appointee to have the powers and protections of a police officer in Saskatchewan.

- (2) The appointing official must provide written notice of the termination to:
- (a) the appointee;
 - (b) the appointee's extra-jurisdictional commander; and
 - (c) the minister.
- (3) The appointment is terminated when the appointee receives a copy of the written notice of termination.

2005, c.25, s.32.

Surrendering appointment

80.43(1) An appointee who no longer requires the powers and protections of a police officer in Saskatchewan must provide an appointing official with written notice that the appointee is surrendering his or her appointment.

(2) The appointing official must provide the minister with a copy of every notice of surrender received pursuant to subsection (1).

2005, c.25, s.32.

Status – powers and protections of a member

80.44 While an appointment is in effect, the appointee has, throughout Saskatchewan, all the powers and protections that a member has pursuant to section 36, subject to any conditions imposed on the appointment.

2005, c.25, s.32.

DIVISION 5
Police Oversight

Member to co-operate

80.5(1) This section applies to an investigation, hearing or inquest that is held pursuant to the authority of a statute in another province or territory to examine:

- (a) the conduct of a member who has been appointed as a police officer in the other jurisdiction; or
 - (b) the operation or investigation that led the member to be appointed as a police officer in the other jurisdiction.
- (2) A member must co-operate with an investigation and appear before any inquest or hearing mentioned in subsection (1), subject to the rights and privileges that a police officer from the other jurisdiction would have in the same situation.

2005, c.25, s.32.

Disclosure of documents

80.51 If a member is involved in an investigation, hearing or inquest mentioned in section 80.5, the police service of which he or she is a member must disclose and provide any relevant documents in its possession, subject to any rights and privileges that a police service from that other jurisdiction would have in the same situation.

2005, c.25, s.32; 2011, c.12, s.19.

Discipline and review in Saskatchewan

80.52(1) A member who has been appointed as a police officer in another province or territory is subject to Part IV in Saskatchewan in accordance with this Act with respect to his or her conduct in the other jurisdiction, as if the conduct took place in Saskatchewan.

(2) No statement or evidence given by a member in an investigation, hearing or inquest mentioned in section 80.5 is admissible in professional review or discipline proceedings held in Saskatchewan.

(3) An extra-jurisdictional police officer who is appointed as a police officer in Saskatchewan is not subject to professional review and discipline in Saskatchewan with respect to his or her conduct in Saskatchewan.

2005, c.25, s.32.

Certain statements and evidence not admissible

80.53 No statement or evidence given by a member in an investigation, hearing or inquest mentioned in section 80.5 is admissible without the member's consent in any public complaint, internal discipline or other proceeding conducted pursuant to this Act.

2005, c.25, s.32.

DIVISION 6 Indemnification

Indemnification of member acting outside Saskatchewan

80.6 Subject to an agreement pursuant to clause 80.61(a), a municipal police service must indemnify a police service from another province or territory against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgment, reasonably incurred with respect to a civil, criminal or administrative action or proceeding if:

- (a) the police service from that other jurisdiction is a party to the action or proceeding; and
- (b) the action or proceeding arises out of the actions of a member while the member was appointed as a police officer in that other jurisdiction.

2005, c.25, s.32; 2011, c.12, s.20.

Indemnity agreement

80.61 A municipal police service may enter into an agreement regarding indemnification for costs arising out of:

- (a) the appointment of a member as a police officer in another province or territory; and
- (b) the appointment of an extra-jurisdictional police officer as a police officer in Saskatchewan.

2005, c.25, s.32.

DIVISION 7
General Provisions

Appointing officials

80.7 The minister may, by order, designate one or more of the following persons to act as an appointing official in Saskatchewan for the purposes of this Act:

- (a) a member;
- (b) a member of the Royal Canadian Mounted Police who is a resident of Saskatchewan.

2005, c.25, s.32.

Local commander may delegate powers

80.71 A local commander may delegate the local commander's powers pursuant to this Part to a police officer under the local commander's command.

2005, c.25, s.32.

Law of hot pursuit not affected

80.72 Nothing in this Act affects the common law regarding hot pursuit by a peace officer.

2005, c.25, s.32.

Power of appointment reserved

80.73 Nothing in this Part limits or affects the power to appoint peace officers or special constables pursuant to this Act or any other Act.

2005, c.25, s.32.

**PART VI
General**

Authority to enforce weight restriction laws

81 For the purpose of enforcing a regulation, permit, bylaw or order imposing vehicle weight restrictions in a municipality or in the Northern Saskatchewan Administration District:

- (a) a member and a member of the Royal Canadian Mounted Police have all the powers conferred on police constables by sections 37 and 63 of *The Highways and Transportation Act, 1997*; and
- (b) the section mentioned in clause (a) applies, with any necessary modification, where that member or member of the Royal Canadian Mounted Police has reason to believe that the maximum gross weights contained in a regulation, permit, bylaw or order have been exceeded.

1990-91, c.P-15.01, s.81; 1997, c.H-3.01, s.78;
2005, c.M-36.1, s.454.

Firearms

82 No member who has not attended and successfully completed a course of training established or approved by the minister shall at any time carry firearms while acting in the scope of his or her employment as a member.

1990-91, c.P-15.01, s.82.

Application for conciliation

83(1) Where:

- (a) a dispute arises between a local police association and a board during proceedings:
 - (i) to conclude a collective bargaining agreement; or
 - (ii) to revise an existing collective bargaining agreement; and
- (b) no request for arbitration has been made pursuant to section 84;

either party may request, in writing, that the minister responsible for the administration of *The Human Resources, Labour and Employment Act* appoint a conciliator to assist the parties in resolving their dispute.

(2) The minister responsible for the administration of *The Human Resources, Labour and Employment Act*, within 14 days of receiving a written request pursuant to subsection (1), may appoint a conciliator to assist the parties in resolving their dispute.

(3) A conciliator appointed pursuant to subsection (2), immediately on his or her appointment, shall:

- (a) confer with the parties; and
- (b) endeavour to assist the parties in resolving their dispute.

(4) The conciliator, within 30 days of his or her appointment, shall submit a written report to the parties on the results of the conciliation.

(5) Where a conciliator has been appointed pursuant to subsection (2), no member shall strike and no board shall lock out a member until the conciliator has made his or her report to the parties pursuant to subsection (4).

(6) Each party shall assume its own costs of the conciliation and shall share equally the cost of the conciliator and any other general costs of the conciliation.

1990-91, c.P-15.01, s.83.

Collective bargaining agreements

84(1) Where proceedings to conclude a collective bargaining agreement, or to revise an existing collective bargaining agreement, between a local police association and a board have, in the opinion of the parties, reached a point where agreement cannot be achieved, the parties may have all or any matters relating to hours and conditions of work, wages or employment referred to a board of arbitration.

(2) A board of arbitration shall consist of three persons.

(3) Each party, within seven days after agreeing to refer a matter to a board of arbitration pursuant to subsection (1), shall nominate its representative and shall immediately notify the other party of the person nominated, and the two persons so nominated shall meet and agree on the third member who shall be the chairperson of the board of arbitration within five days after those notifications have been given.

(4) If:

(a) either party fails to nominate its representative to the board of arbitration within the time specified in subsection (3);

(b) a person nominated is unable or unwilling to act; or

(c) the representatives nominated by the two parties fail to agree on the third member of the board of arbitration within the time specified in subsection (3);

the minister responsible for the administration of *The Human Resources, Labour and Employment Act*, on the written request of either party, shall appoint a representative of the defaulting party or the chairperson of the board of arbitration, as the case may require.

(5) Where:

(a) the minister responsible for the administration of *The Human Resources, Labour and Employment Act* appoints a representative of a defaulting party; and

(b) that representative and the representative nominated by the other party fail to agree within five days after the appointment on the third member of the board of arbitration;

the minister described in clause (a), on the written request of either party, shall appoint the chairperson of the board of arbitration.

- (6) Each member of a board of arbitration shall, before acting as such, take and subscribe to an oath or affirmation in the form prescribed in the regulations before a person authorized to administer an oath or affirmation.
- (7) The hearings of a board of arbitration shall be open to the public, but where, in the opinion of the board of arbitration, it is necessary in the interests of a fair hearing that any portion of an arbitration proceeding be held privately, the board of arbitration may exclude the public.
- (8) A board of arbitration may require any evidence to be given under oath or affirmation, and each of its members has the power to administer an oath or affirmation for that purpose.
- (9) If a majority of the members of a board of arbitration fail to agree on any matter referred to it, the decision of the chairperson is deemed to be the decision of the board of arbitration.
- (10) The decision of the board of arbitration shall be in writing, and the chairperson shall:
- (a) forward a copy of the decision to both parties; and
 - (b) file a copy of the decision with the minister responsible for the administration of *The Human Resources, Labour and Employment Act*.
- (11) Subject to subsection (12), every decision or award of a board of arbitration is binding on the council, the board and the members of the local police association, and:
- (a) where a collective bargaining agreement has not previously been entered into, shall be put into effect by both parties within 30 days after the decision or award is made or given; or
 - (b) where a collective bargaining agreement has previously been entered into, shall be:
 - (i) incorporated into the agreement on its revision; or
 - (ii) included in a new agreement.
- (12) Where the estimates of expenditures of a municipality and the rate or rates of taxation proposed to be struck are required to be submitted annually to the Saskatchewan Municipal Board for review and approval, the council or the board shall not conclude a collective bargaining agreement or give effect to any decision or award of a board of arbitration until the approval of the Saskatchewan Municipal Board has been obtained.
- (13) Each party shall assume its own costs of the arbitration and shall share equally the cost of the chairperson and any other general expenses of the board of arbitration.

Notice of strike or lock-out**85** Notwithstanding:

- (a) clause 6-34(a) of *The Saskatchewan Employment Act*, no strike on the part of a local police association may commence unless the association gives the board or board's agent at least 120 hours' written notice of the date and time that the strike will commence; and
- (b) clause 6-34(a) of *The Saskatchewan Employment Act*, no board may cause a lock-out unless the board gives the local police association or the association's agent at least 120 hours' written notice of the date and time that the lock-out will commence.

1990-91, c.P-15.01, s.85; 2013, c.S-15.1, s.10-29.

Police association to provide copies of constitution and bylaws

86 A local police association of which members of a police service are members shall provide the commission and the minister with a copy of its constitution and bylaws and any amendments that may be made to the constitution and the bylaws.

1990-91, c.P-15.01, s.86.

Calculation of population

87 For the purposes of this Act, the population of a municipality is deemed to be:

- (a) the population that:
 - (i) is recorded with the minister responsible for the administration of *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*, as the case may be; and
 - (ii) appears in the current *Saskatchewan Municipal Directory*; or
- (b) where the minister considers it advisable, the population that is determined by the minister.

1993, c.36, s.6; 2002, c.C-11.1, s.400; 2005, c.M-36.1, s.454; 2010, c.N-5.2, s.461.

Special inquiry

88(1) If the minister considers it advisable, the minister may order a special inquiry to be made with respect to:

- (a) the operation and administration of any police service;
 - (b) the conduct of any member; or
 - (c) any other matter relating to policing.
- (2) The minister may:
- (a) appoint any person the minister considers appropriate to conduct a special inquiry;
 - (b) enter into agreements to engage the services of persons or agencies the minister considers necessary for the purposes of a special inquiry;

- (c) engage the services of persons who have special, technical or other knowledge to advise and report on matters related to the purposes of a special inquiry;
 - (d) pay remuneration to and reimburse the expenses of the persons mentioned in clauses (a) to (c).
- (3) Any persons appointed by the minister to conduct a special inquiry have all the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.
- (4) The persons appointed to conduct a special inquiry shall provide the minister with a written report within the time prescribed by the minister.
- (5) On receipt of a written report pursuant to subsection (4), the minister may:
- (a) cause the report to be published in whole or in part and in any manner that the minister considers appropriate; and
 - (b) take any action that the minister considers appropriate.
- (6) A board shall comply with any direction made pursuant to clause (5)(b) and received by the board.
- (7) Where a board has:
- (a) failed within a reasonable time to respond; or
 - (b) responded inadequately;
- to a direction of the minister pursuant to clause (5)(b), the minister may take any action that the minister considers necessary to achieve compliance with that direction.
- (8) Any expenses incurred by the minister pursuant to subsection (7):
- (a) are a debt due from the municipality to the Crown in right of Saskatchewan; and
 - (b) may be:
 - (i) deducted from any grant payable to the municipality by the Government of Saskatchewan; or
 - (ii) recovered by an action in any court of competent jurisdiction as a debt due to the Crown in right of Saskatchewan.

Commission inquiry

89(1) Subject to the approval of the minister, the commission may:

- (a) conduct an inquiry respecting:
 - (i) the extent of crime or standard of law enforcement in any municipality;
 - (ii) the competency or adequacy of personnel of a police service;
 - (iii) the adequacy and standard of equipment used by a police service;
 - (iv) the suitability of accommodation, including lock-up facilities, provided by a police service; or
 - (v) any other matter which is related to the standard of policing and law enforcement provided within a municipality; and
 - (b) take any action arising from the inquiry that it considers appropriate.
- (2) The commission may appoint any person it considers appropriate to conduct an inquiry pursuant to subsection (1).
- (3) Where the commission conducts an inquiry pursuant to subsection (1), the commission:
- (a) shall make a report to the minister and the affected board; and
 - (b) may in its report made pursuant to clause (a) make any recommendations to the board that the commission considers appropriate.
- (4) Where the board has:
- (a) failed within a reasonable time to respond; or
 - (b) responded inadequately;
- to a report of the commission pursuant to subsection (3), the commission or the board may refer the matter to the minister.
- (5) On consideration of the report of the commission made pursuant to sub-section (3), the minister may take any action that the minister considers necessary.
- (6) All expenses incurred by the minister pursuant to subsection (5):
- (a) are a debt due from the municipality to the Crown in right of Saskatchewan; and
 - (b) may be:
 - (i) deducted from any grant payable to the municipality by the Government of Saskatchewan; or
 - (ii) recovered by an action in any court of competent jurisdiction as a debt due to the Crown in right of Saskatchewan.

Inquiry by board

90(1) Subject to the approval of the minister, a board may:

- (a) conduct an inquiry respecting the policies of or the services provided by its police service; and
- (b) take any action arising from an inquiry conducted pursuant to clause (a) that:
 - (i) is consistent with this Act and the regulations; and
 - (ii) the board considers appropriate.

(2) For the purposes of an inquiry conducted pursuant to subsection (1), a board may:

- (a) appoint any person the board considers appropriate to conduct the inquiry;
- (b) enter into agreements to engage the services of persons or agencies the board considers necessary for the purposes of the inquiry;
- (c) engage the services of persons who have special, technical or other knowledge to advise and report on matters related to the purposes of the inquiry;
- (d) pay remuneration to and reimburse the expenses of the persons mentioned in clauses (a) to (c).

(3) Any persons appointed by a board to conduct an inquiry pursuant to subsection (1) have all the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

1990-91, c.P-15.01, s.90; 1996, c.9, s.21; 2013, c.27, s.28.

Inquiries open to public

91 Unless otherwise directed by the authority conducting the inquiry, an inquiry conducted pursuant to section 88, 89 or 90 is to be open to the public.

1990-91, c.P-15.01, s.91.

Investigation observer

91.1(1) Notwithstanding any other provision of this Act, a police service or detachment of the Royal Canadian Mounted Police providing policing services within a municipality shall, as soon as reasonably possible, request the Deputy Minister of Justice to appoint an investigation observer who is a serving or retired member from another police service or detachment of the Royal Canadian Mounted Police if:

- (a) a person has suffered a serious injury or died while in the custody of that police service or detachment; or
- (b) a person has suffered a serious injury or died as a result of the actions of a member or officer of that police service or detachment of the Royal Canadian Mounted Police.

- (2) On receipt of a request pursuant to subsection (1), the Deputy Minister of Justice shall appoint an investigation observer who is a serving or retired member from another police service or detachment of the Royal Canadian Mounted Police.
- (3) If an investigation observer is appointed pursuant to this section:
- (a) the police service or detachment of the Royal Canadian Mounted Police shall grant the investigation observer full access to the investigation conducted by the police service or detachment of the Royal Canadian Mounted Police respecting the matters mentioned in subsection (1); and
 - (b) the investigation observer shall provide the Deputy Minister of Justice and the Deputy Minister of the department with a confidential report respecting the results of an investigation mentioned in clause (a).
- (4) A report provided to the Deputy Minister of Justice or the Deputy Minister of the department pursuant to subsection (3) is not subject to *The Freedom of Information and Protection of Privacy Act*.
- (5) If an investigation observer is appointed pursuant to this section, the minister of the department shall pay all costs associated with the appointment of the investigation observer.
- (6) At the request of a police service or a detachment of the Royal Canadian Mounted Police conducting an investigation, the Deputy Minister of Justice may appoint an investigation observer for an investigation that does not meet the criteria set out in subsection (1), if the Deputy Minister is satisfied that:
- (a) the matter being investigated is of a publicly sensitive nature; and
 - (b) it is in the public interest to do so.
- (7) For the purposes of subsection (6), the Deputy Minister of Justice may appoint any person the Deputy Minister considers appropriate as an investigation observer.

2005, c.25, s.33; 2011, c.12, s.21.

Notice

92 Where notice is required to be given pursuant to this Act, notice may be given in person or by registered mail.

1990-91, c.P-15.01, s.92.

Standard of proof

93 No finding of:

- (a) a contravention of the regulations governing discipline;
- (b) unsuitability; or
- (c) incompetence;

is to be made pursuant to this Act unless the alleged contravention, unsuitability or incompetence is proven on a balance of probabilities.

1990-91, c.P-15.01, s.93.

No limitation

94 Nothing in this Act shall be interpreted as limiting in any way the powers of the minister relating to the administration of justice and to the enforcement of the laws in force in Saskatchewan.

1990-91, c.P-15.01, s.94.

Appointment to ranks

94.1(1) The Lieutenant Governor in Council shall annually authorize the issue of a Commission under the Great Seal to each member who, in the year for which the Commission is issued, was first appointed to any one of the following ranks:

- (a) inspector;
- (b) superintendent;
- (c) deputy chief; or
- (d) chief.

(2) In the case of a member who holds one of the ranks mentioned in subsection (1) on the day that this section comes into force, the Lieutenant Governor in Council shall authorize the issue of a Commission under the Great Seal to the member if:

- (a) in the case of a member other than a chief, the minister receives written confirmation from the chief of the police service in which the member serves that the member was appointed to that rank; or
- (b) in the case of a chief, the minister receives written confirmation from the board of the police service in which the chief serves that the chief was appointed to that rank.

2005, c.25, s.34.

Board training

94.2(1) In this section, “**board member**” means a member of a board established pursuant to clause 24.1(2)(b), subsections 27(1) or (2), or subsection 29(1).

(2) The commission may establish procedures and requirements for training for board members.

(3) Board members must comply with any training requirements established by the commission and must do so within the time frames set by the commission.

2011, c.12, s.22.

Regulations

95 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

- (b) prescribing the forms for use pursuant to this Act;
- (c) prescribing municipalities for the purposes of section 22.1 and subsection 23(1.1);
- (d) prescribing population size for the purposes of subsections 22(1) and 23(1);
- (e) prescribing the formula to be used for the purposes of distributing the cost for policing services pursuant to section 23.1;
- (e.1) designating authorities for the purposes of section 24.1;
- (e.2) prescribing the period within which anything is required or authorized to be done by this Act or the regulations, including, notwithstanding any other provision of this Act, extending the period within which a thing may be done;
- (e.3) prescribing persons or boards for the purposes of clause 16(4)(e);
- (f) prescribing any other matter or thing required or authorized by this Act to be prescribed;
- (g) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1990-91, c.P-15.01, s.95; 1997, c.45, s.11; 2000, c.59, s.8; 2005, c.25, s.35.

PART VII

Repeal, Transitional and Consequential Amendments

R.S.S. 1978, c.P-15 repealed

96 *The Police Act* is repealed.

1990-91, c.P-15.01, s.96.

Transitional

97 Notwithstanding the repeal of *The Police Act* pursuant to section 96:

- (a) every appointment of a special constable that:
 - (i) was made pursuant to that Act; and
 - (ii) has not been cancelled or suspended on the day on which Part V comes into force;

remains in force as if made pursuant to this Act and may be dealt with as if made pursuant to this Act;

- (b) that Act remains in force for the purposes of determining any investigation, hearing or appeal undertaken pursuant to that Act but not yet finally completed on the day on which Part IV comes into force; and

(c) every federal-provincial and federal-municipal agreement with respect to policing by the Royal Canadian Mounted Police that:

- (i) was made pursuant to that Act; and
- (ii) has not been cancelled or suspended on the day on which Part III comes into force;

remains in force as if made pursuant to this Act and may be dealt with as if made pursuant to this Act;

(d) every person who held office as a member of the Saskatchewan Police Commission pursuant to *The Police Act*, as the Act existed on the day before the coming into force of section 1 of this Act, continues to hold office as if appointed pursuant to this Act until that person resigns or that person's successor is appointed pursuant to this Act.

1990-91, c.P-15.01, s.97.

98 to 104 Dispensed. These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

PART VIII Coming into Force

Coming into force

105 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1990-91, c.P-15.01, s.105.