Letter to all Albertans

DECEMBER 2005

It was an honour to chair the review of the Special Constable Program. The review, conducted over the past eight months, provided Albertans the opportunity to contribute ideas to improve the safety and security of our communities.

The Special Constable Program works under the authority of the Police Act. Currently in Alberta, there are nearly 275 employers and 2,800 special constable appointments.

While the province is the largest single employer, all levels of government and organizations such as health authorities and post-secondary institutions can apply to the Department of Solicitor General and Public Security for authorization to employ special constables. Once approved, the employer must in turn apply for individuals to hold a special constable appointment. The appointments fulfill a variety of roles and responsibilities relating to law enforcement such as traffic duty, court and prisoner security, commercial vehicle inspections and fish and wildlife management, among others.

Despite the good work performed by special constables throughout the province, there is a need to update the legislation and establish levels of enforcement that accurately reflect the range of functions that they have acquired over the years. It is also necessary to develop standards of training, performance, use of force, conduct and visual identity for all levels.

The review produced recommendations that will provide a framework to update and expand the program to better meet the rapidly changing demands in all areas of law enforcement. These recommendations were developed during extensive consultations with Albertans along with research from across Canada and around the world.

Throughout the process it was clear that people involved in every level of the Special Constable Program were strongly committed to improving enforcement efforts and delivering exceptional service to every corner of the province.

In some areas of the proposed changes there was full agreement; in others, the views differed substantially. Altogether, the responses reflect the wide range of needs in both urban and rural communities.

The varied perspectives were, therefore, weighed carefully against best practices from other provinces and such places as the United States and the United Kingdom.

The final result of this review is a comprehensive report with recommendations that will help form the foundation of new legislation to govern the program.

I would like to extend my sincere appreciation to the special constables, police officers, municipal and provincial officials and all other individuals and organizations for taking the time to contribute their viewpoints. Working together, we will make Alberta a safer place to live, work and raise our families.

Art Johnston
MLA, Calgary-Hays
Chair, Special Constable Program Review
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Section One: Vision

Recommendation 1.1

Right people • Right place • Right time • Doing the right thing

Alberta is a province like no other. Our booming economy is attracting more and more people everyday. An enviable position, indeed, but the downside of this prosperity is increased pressure on our law enforcement services. To respond to these rapidly increasing demands, we must develop a seamless system that improves the manner in which we serve and protect Albertans.

Law enforcement includes a range of responsibilities that many people associate strictly with police officers. Peace officers, who are appointed through the current Special Constable Program, also perform a wide range of enforcement duties.

Peace officers work with citizens in their communities and local police to help deal with issues that affect people’s lives on many levels. These peace officers are dedicated individuals who respond to community needs by listening, identifying local priorities and working with partners to find lasting solutions. In performing their duties peace officers are expected to adhere to the values of honesty, integrity, ethics, accountability, respect, fairness, courage, compassion and commitment to the community.

Increased co-ordination of services between employers of peace officers and police services across the province will ensure a higher level of overall law enforcement services.

In the event of a disaster or major emergency, the Solicitor General and Minister of Public Security would, in co-operation with other government departments, police and emergency services, call on peace officers to provide effective and co-ordinated support to those in need. Adopting the recommendations in this report will enable all those with police or peace officer authority to be linked through clearly defined protocols and open lines of communication.

To accomplish our vision we have developed a comprehensive framework that will ensure communication, co-operation and collaboration between police and peace officers so they may effectively deliver law enforcement services that will keep residents of Alberta safe and secure for generations to come.
Section Two: Name Change

**Recommendation 2.1**
It is recommended separate legislation be developed and the name of the Special Constable Program be changed to the Public Security Peace Officer Program. It is also recommended through new legislation the name of the special constable appointment be changed to Alberta Peace Officers (APOs) and Community Peace Officers (CPOs) depending on their duties and levels of responsibility.

**Rationale**
Changing the name will clarify the continuum of roles from peace officer to police officer and help raise the profile of this area of law enforcement.
Section Three: Roles and Responsibilities

Recommendation 3.1
Four levels of authority and responsibility would be adopted. The levels would be divided as follows:

- Alberta Peace Officers (APOs)
  - Level I
  - Level II
- Community Peace Officers (CPOs)
  - Level I
  - Level II

Within each level, authority would continue to be granted based on the needs of the community or organization. To further support consistency within the levels, the officers’ qualifications, training requirements, knowledge and experience should be clearly identified.

Rationale
Stakeholders told us consideration must be given to identify specific levels of authority for peace officers based on their duties and responsibilities. At the same time, they indicated there should be some flexibility within those levels to ensure the program remained responsive to needs within the community or organization they serve.

Level I APO (Alberta Peace Officer)

Recommendation 3.2
A Memorandum of Understanding (MOU) between police services and the Solicitor General and Minister of Public Security would be completed. This would clearly define expectations of everyone involved by improving communication, information sharing, supervision and reporting requirements, joint planning of operations and co-ordination of all enforcement activities.

The MOU would be reviewed and approved by the Solicitor General and Minister of Public Security to ensure it is consistent across the province and adheres to provincial standards.

Rationale
An MOU would address concerns surrounding responsibilities, liability and accountability and assist communities in receiving the level of enforcement services that reflect their needs.

Recommendation 3.3
Level I APOs would be employed through the department of the Solicitor General and Public Security. These officers would be provided training and the authority to enforce provisions of provincial statutes and the Criminal Code of Canada that are specific to their mandate. This would primarily include enforcing traffic violations on Alberta’s highways, and providing prisoner transport and court security. Also included in this level would be protection services for the Premier, Lieutenant Governor, VIPs and other individuals as deemed necessary.

To ensure that roles and expectations of Level I APOs are clear, an MOU would be required between the Solicitor General and Minister of Public Security and the Alberta Association of Chiefs of Police.
**Rationale**
Highly trained officers will further complement the role of policing through providing specialized services to Albertans. The MOU will ensure maximum co-ordination with police services, which will assist in facilitating a seamless delivery of services.

**Recommendation 3.4**
Level I APOs would be trained in the use of force continuum. When peace officers are confronted with a situation where a level of control is required, they must first attempt to resolve the situation through advice, warning and persuasion. When a Level I APO isn’t able to talk through the situation, they would have the authority to carry a baton, pepper spray or a firearm or a combination of these.

**Rationale**
Use of force training must be consistent with that received by police officers to ensure APOs use good judgment and have the skills needed to control a situation and to keep themselves and the public safe.

**Recommendation 3.5**
Level I APOs would work with police to enforce traffic violations on provincial highways. They would also have the authority to enforce limited Criminal Code of Canada provisions.

These peace officers would also have the authority to investigate collisions where no one is taken to hospital. However, all collisions involving serious injuries, fatalities and criminal activity would be referred to police.

In addition, these peace officers would have the authority to arrest and release individuals who are wanted on outstanding warrants and work with police during vehicle inspections and joint check stops.

**Rationale**
The role of Level I APOs would complement police by providing a consistent level of enforcement throughout the province and improve safety on Alberta’s highways.

**Level II APO (Alberta Peace Officer)**

**Recommendation 3.6**
Level II APOs have a great deal of knowledge that is very specific to a particular subject. The individuals in these positions would conduct a range of duties from fraud investigators, fish and wildlife officers to inspector and compliance officer duties under provincial statutes (see Appendix A for additional employers). These officers would continue to be provided with authority granted under provincial statutes or the Criminal Code to fulfill their organization’s mandate. The authority for some Level II APOs, such as fish and wildlife officers, to carry a firearm would continue because it is a necessary tool to fulfill their duties.

An MOU would be developed between employers of peace officers and the Alberta Association of Chiefs of Police through the Solicitor General and Minister of Public Security.

**Rationale**
Through the MOU, increased co-ordination of activities will occur between local and provincial law enforcement services. This will assist in the provision of seamless delivery of services throughout Alberta.
Level I CPO (Community Peace Officers)

Recommendation 3.7
Level I CPOs fulfill a range of roles throughout Alberta. Some of their duties include working at post-secondary institutions to provide a safe and secure environment for staff and students. They are also hired by municipalities to enforce traffic violations. (See Appendix A for additional information regarding employers.)

Level I CPOs would receive additional training that clearly defines the expectations placed upon them and the boundaries of their authority.

The development of an MOU between police services and employers of Level I CPOs would assist in clarifying roles, responsibilities and co-ordinating resources to respond to localized issues.

Rationale
The recommendations will further support a co-ordinated community response between Level I CPOs and police services.

Recommendation 3.8
To further complement the role of police, Level I CPOs would be given additional responsibilities. This may include expanding their authority from the current ability to arrest someone on provincial arrest warrants to arresting and releasing a person on outstanding provincial arrest warrants and Criminal Code arrest warrants.

Also, Level I CPOs would respond to non-urgent community calls once a framework is in place that provides for centralized communication. They may also assist in an investigation provided they are under the direction of a police officer.

Training for Level I CPOs would be consistent with the training for similar levels of responsibility being provided to Level I APOs.

Rationale
The varied roles of these officers (Level I CPOs) will make the system more efficient and effective thereby allowing police officers to focus their full attention on more serious crimes in their communities. Overall, this approach would improve service to the public and enhance community safety.

Recommendation 3.9
Level I CPOs would receive further training in such areas as conflict resolution or the power of persuasion to reduce or diffuse potentially serious situations.

Use of force training for Level I CPOs would be specific to the use of a baton or pepper spray. Consistent with their duties, Level I CPOs would not be authorized to carry firearms.

Rationale
Training officers to use the necessary level of force within their authority to protect the public reduces opportunities for inadvertent abuses of authority.
**Recommendation 3.10**

Level I CPOs would continue to complement police services by enforcing traffic violations on primary and secondary highways and local roads within their municipality. The speed limit on a primary highway within a municipality that Level I CPOs would have the authority to enforce would be increased from 70 kilometres or less to 90 kilometres or less.

Level I CPOs would also be allowed to investigate property damage collisions that do not require an emergency response or involve an injured party being taken to the hospital. Because these officers may be the first on the scene of a collision, they would be trained to secure the scene or render assistance.

Authority would also be provided to Level I CPOs so they may participate with police services in implementing programs involving vehicle inspections and check stops.

**Rationale**

Enforcement of moving traffic violations and collision investigations must be done with the highest regard for the safety of the public, investigating officers and emergency services personnel. Level I CPOs would help increase the safety of Alberta’s highways and communities through expanding responsibilities to provide additional support to police.

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**Level II CPOs (Community Peace Officers)**

**Recommendation 3.11**

Level II CPOs would fulfill a range of roles that include administrative functions such as exhibit room custodians for police services, parking enforcement officers, and animal control specialists.

(See Appendix A for additional information regarding employers.)

**Rationale**

Every area of law enforcement requires specific administrative support and supplemental enforcement to ensure that the system as a whole works efficiently. This level of peace officer would fulfill the need to have specially trained individuals to perform a range of critical support and supplemental enforcement duties.
Section Four: Use of Force

Recommendation 4.1
The Solicitor General and Minister of Public Security would develop provincial standards governing the use of force for all levels of APOs and CPOs.

Rationale
The use of force is a serious responsibility and must be applied with the highest regard for professionalism and safety. Officers must have a clear understanding of the limitations of their authority.

During consultations, stakeholders were very clear that officers who are required to use force must receive the highest level of training available and be recertified on an ongoing basis. Also, employers who hire peace officers should work with police services to complete risk assessments to determine appropriate levels of responsibility, boundaries of authority and the tools that officers should be authorized to carry.

As explained in Section 3, Roles and Responsibilities, Level I and II APOs and Level I CPOs are authorized to use the appropriate level of force given the circumstances, whether it be communication skills or the use of a baton or pepper spray, to reduce the potential for harm in a given situation.

All Level I APOs and select Level II APOs are authorized to carry a firearm because it is a necessary tool to fulfill their duties.

Recommendation 4.2
The authority of the Solicitor General and Minister of Public Security would be extended to include an authorization process for restricted and unrestricted weapons.

Rationale
Safeguards should be in place to ensure APOs and CPOs who are authorized to carry weapons have met the provincial training standards, which would be the same level as police officers.

Solicitor General and Public Security will work with other government ministries that provide authority to peace officers to carry firearms, to ensure provincial training and recertification standards are met.
Section Five: Uniforms and Vehicle Markings

Recommendation 5.1
Level I and II APOs would have one standardized uniform.

Level I CPOs would be required to wear another.

Level II CPOs would not have to wear a specific uniform because of their diverse roles.

The ability to authorize certain officers to work in street clothing would remain.

It is recommended that the standard insignia or badge that will be used on any part of a uniform be designed in such a way as to allow space for the name of the employer and the specific role of the peace officer.

Vehicle markings must also be consistent across the province.

The Solicitor General and Minister of Public Security would develop and approve all uniform, insignia and vehicle markings to ensure they are clearly differentiated from police services. (See Appendix B for further information regarding standardized uniforms and vehicle markings.)

Rationale
Throughout discussions with stakeholders, there were different points of view on whether uniforms and vehicles should be standardized. Many felt professionalism of the officers would be promoted through standardization while some felt exemptions should be made for certain functions, especially those who currently work in plain clothes.

Currently, across the province, each employer has different uniforms and insignia. To further complicate the situation, the provincial government employs a range of special constables, each having their own uniform and insignia. The full range of uniforms has created some confusion with the public in differentiating between the current roles of special constables and the roles of police officers.

Standardized uniforms and vehicle markings will provide cost efficiencies, particularly for Level I and II APOs, and consistency across the province.
Section Six: Qualification Standards

Recommendation 6.1
The following minimum qualifications would be required for all APOs and CPOs:

- Grade 12 or equivalent;
- Must be competent, reputable, dependable and of good character;
- Criminal record and activity checks; and
- Three reference checks.

In addition, for Level I and II APOs and Level I CPOs, the following is recommended:

- CPR and First Aid training;
- Successful completion of the provincial *Physical Abilities Requirement Evaluation* (PARE) test;
- Employment suitability assessment commensurate with duties and responsibilities;
- Credit check; and
- Background check through the Criminal Intelligence Service of Alberta which would allow for an encompassing report on convictions and criminals investigations.

Level I and II APOs would also be required to have a two-year diploma that is applicable to the roles and responsibilities of the job or the equivalent combination of education and experience.

Rationale
The need for stronger qualifications was raised throughout the review. The discussions revolved around whether potential candidates should have a grade 12 education or some form of post-secondary degree or diploma and whether testing and more comprehensive background checks need to be done on applicants.

Stronger qualifications will support a more stringent recruitment process, thereby increasing accountability and professionalism within the program.
**Section Seven: Training Standards**

**Recommendation 7.1**
Training and recertification standards would be developed for all potential APOs, CPOs as well as employers.

The Department of Solicitor General and Public Security would co-ordinate with police services to ensure the curriculum reflects peace officers’ duties and responsibilities. Alternatives to how training is delivered, whether online or in a classroom, would be explored. Also, to ensure APOs and CPOs have the necessary skills and knowledge, successful completion of required training would occur prior to the designation being granted.

**Recommendation 7.2**
Employers and peace officers would be notified of any changes in legislation, policies or standards. Employers would be required to confirm changes that have been incorporated into policies and operational procedures.

Also, all levels of officers would be tested on new policies through a sign-off process involving the employer and Department of the Solicitor General and Public Security. Finally, to ensure all APOs and CPOs remain current with program changes and are adhering to requirements, an annual course and exam would be required.

The Department of the Solicitor General and Public Security would have a mechanism in place to ensure employers who hire peace officers are abiding by the rules.

**Recommendation 7.3**
A safety manual that addresses visibility, hours and areas of work and communication would be developed and available to all peace officers. This would further address safety and help to ensure that all levels adhere to the requirements under the *Occupational Health and Safety Act*.

**Rationale**
Calls for increased training recertification standards that are reflective of peace officers’ duties and authorities were heard throughout the review. Stakeholders stated that training should also be provided to employers so they understand the limits of the authority that is granted to the peace officers they hire.

Training and recertification is essential to the quality of the program and safety of officers. Consistency in how the training is delivered will also ensure the highest possible standards.
Section Eight: Accountability and Compliance to Standards

Recommendation 8.1
To ensure compliance to program requirements, the Department of Solicitor General and Public Security would strengthen the monitoring and auditing functions by:

- Visually inspecting the performance of employers and peace officers;
- Assessing complaints and other feedback; and
- Analyzing data.

Rationale
Increased accountability reassures the public that APOs and CPOs are contributing to the safety and security of communities with the highest regard for professionalism and the rights of the citizens they serve.

During our consultations, stakeholders indicated that accountability needs to be strengthened to ensure both the employers and employees adhere to program standards across the province.

Through the Auditor General of Alberta, the Solicitor General and Minister of Public Security ensures adequate auditing is in place to monitor and assess employers’ and peace officers’ compliance with legislation and standards.
Section Nine: Monitoring of Conduct

**Recommendation 9.1**
To ensure the program’s integrity APOs and CPOs would be held to provincial standards of conduct. Employers would be held to a similar high standard, as they are directly accountable for the program’s operations.

**Recommendation 9.2**
The current standards of conduct would be strengthened to clarify that an APO or CPO may have their designation varied, suspended or cancelled when:
- Provincial standards are contravened;
- Charges are pending that may bring the officer or the program into disrepute;
- An officer is charged with a criminal offence; or
- An officer engages in misconduct or conduct deserving of sanction.

The following situations would be reviewed promptly and evaluated by the peace officer’s supervisor to ensure that appropriate action is taken:
- All incidents involving misconduct;
- Injury or death to an APO, CPO or any other person as a result of a peace officer’s activities; and
- Any use of force, including baton, pepper spray or firearm.

The supervisor would be required to determine if actions were reasonable, necessary and within provincial standards.

In addition, incidents would be reported to the Department of Solicitor General and Public Security for review to ensure that appropriate action has been taken.
(See Appendix C for additional information.)

**Rationale**
Discussions dealing with how complaints are handled effectively were met with varying views. While some felt the current process worked well; others felt there was inconsistency and that the process lacked transparency. Developing a standard that encompasses all aspects of the handling of officer misconduct will provide consistency in service delivery and strengthen the integrity of the program.
Section 10: Communication

Recommendation 10.1
Communication would be enhanced throughout the province to assist in co-ordinating services to communities. To improve information sharing between police services and Level I and II APOs and Level I CPOs, data interoperability would be utilized where appropriate.

In addition, radio communication that would allow the exchange of information between police services and peace officers would be facilitated where appropriate to ensure officer safety.

Rationale
Stakeholders made it clear that special constables must have the best means of communication possible to ensure their safety and to better co-ordinate activities with other law enforcement agencies.

The overarching benefit of improved communication between all enforcement entities is a more safe and secure province in which to live, work and raise our families.
Appendix A: Levels, Employers and Roles

**Level I Alberta Peace Officers**
- Alberta Solicitor General and Public Security (i.e. traffic enforcement, court and prisoner security, protection services)

**Level II Alberta Peace Officers**
The following employ a range of Alberta peace officers to fulfill a wide range of roles and responsibilities such as fraud investigators, fish and wildlife officers, conservation officers, inspectors to compliance officers:
- Alberta Advanced Education
- Alberta Agriculture, Food and Rural Development
- Alberta Children’s Services
- Alberta Community Development
- Alberta Environment
- Alberta Energy and Utilities Board
- Alberta Finance
- Alberta Gaming and Liquor Commission
- Alberta Government Services
- Alberta Human Resources and Employment
- Alberta Infrastructure and Transportation
- Alberta Justice and Attorney General
- Alberta Securities Commission
- Alberta Seniors and Community Supports
- Alberta Solicitor General and Public Security
- Alberta Sustainable Resource Development
- Alberta Worker’s Compensation Board
- Police Services
- These police officers are designated as peace officers to work in the province of Alberta:
  - *Canadian National Police*
  - *Canadian Pacific Police*

**Level I Community Peace Officers**
- Municipal CPOs who enforce bylaws and more than one provincial statute
- Those municipal CPOs who enforce either moving or non-moving *Traffic Safety Act* provisions
- Hospital and Health Regions
- Universities
- School resource officers

**Level II Community Peace Officer**
- Parking enforcement officers, which involve enforcing bylaws that include specific sections of the *Traffic Safety Act*
- Municipal emergency response departments, finance branches and taxi commissions
- Photo radar activities
- Stenographers, including functions such as document service and swearing of information (Commissioner of Oaths)
- Exhibit custodians
- Licensing inspectors
Appendix B: Uniforms and Vehicle Markings

**Level I and II Alberta Peace Officers**
The uniform would be comprised of blue-black shirt and pants with a light blue stripe and light blue piping on the shoulder insignia. Jackets would be dark blue-black and boots would be black. The hat would be wide-brimmed or baseball cap style with corresponding colors. A consistent reflector vest or jacket would be available to officers to ensure their safety.

**Level I Community Peace Officers**
The uniform would be comprised of a dark gray shirt and dark blue-black trousers with a gray stripe. Jackets would be dark blue-black and boots would be black. Also, a dark gray, wide-brimmed hat would be worn. A consistent reflector vest would be available to officers to ensure their safety.

**Standardized vehicle markings**
Vehicles used for uniformed patrol would be consistent across the province and have a roof-mounted light bar and a reflective gray stripe. Exceptions would be allowed for Level II APOs who require vehicle markings that reflect their role in the community.
Appendix C: Monitoring of Conduct

Additional policies and procedures should be developed to ensure a minimum standard of conduct for Peace Officers. Upon receipt of a written complaint regarding an APOs or CPOs conduct, the following would be completed:

1. The written complaint(s) would be reported in a prescribed format to the representative authorized employer at the highest possible level of the organization (i.e. Chief Executive Officer, Vice President, etc). The employer would review the complaint against the provincial standards and policies to determine if an investigation is warranted.

2. If an investigation reveals that an offense may have occurred under an Act of Parliament of Canada or the Legislature of Alberta, the matter would immediately be referred to the Minister of Justice and Attorney General.

3. Solicitor General and Public Security (SOLGPS) would be notified in a prescribed format of any written complaint. If there was a contravention of standards by the employer or peace officer, SOLGPS would maintain the ability to conduct an independent investigation or monitor the process if it is in the public interest.

4. The complainant and SOLGPS would be notified of the outcome. SOLGPS would maintain the ability to vary, suspend or terminate the appointment of the officer if found not to be compliant with standards, thus impacting the ability of the officer to complete the responsibilities assigned through the designation.

5. If the complainant was dissatisfied with the outcome, a request for review would be forwarded to the Director of Law Enforcement, SOLGPS. Upon completing the review of the decision, the Director of Law Enforcement would advise the employer and complainant of the outcome.

6. The employer, APO or CPO would continue to have the ability to appeal the cancellation of the appointment to the Law Enforcement Review Board (LERB).

7. In the event a person resigns, the complaints that were previously received would be recorded with SOLGPS and may be considered in the event that they reapply for an appointment.
Appendix D: Overview of the Review of Special Constable Program

The Special Constable Program involves the Solicitor General and Minister of Public Security authorizing an employer, such as a municipal government, to hire an individual who can apply for a special constable appointment. The appointment provides the officer with peace officer status specifying the authority, responsibility and territory. As of October 2005, there were almost 275 authorized employers and 2,800 special constable appointments throughout the province.

The review was structured to allow Albertans the opportunity to share their perspectives on how to develop legislation that would further complement policing and develop higher quality program standards. The process involved meetings with stakeholders and receipt of submissions on ideas for changes to improve the program. The information was reviewed on an issue-by-issue basis to ensure that all concerns within the scope of the review were considered. By July 30th, 2005, the consultation process was complete. Preliminary directions were developed and key stakeholders were consulted once again. Research into best practices across Canada and internationally was completed by September 2005. The directions were refined and recommendations were drafted. The report to the Solicitor General and Minister of Public Security was developed and delivered in November 2005.

A total of 32 meetings with stakeholders occurred across the province and 124 submissions were received. The following stakeholders were represented:

- Special Constables
- Community and business organizations
- Community associations
- Alberta Special Constable Association
- Alberta Association of Municipal Districts and Counties
- Alberta Rural Municipal Administrators’ Association
- Alberta Urban Municipalities Association
- Municipalities and counties
- National organizations
- Police Services
- Police Commissions
- Police Associations
- Universities and Colleges
- Health Regions
- Transit Services
- Government of Alberta Ministries
- First Nations communities
- Metis Settlements
- Members of the general public