

BULLETIN

26-2020

November 30, 2020

To all Authorized Employers of Community Peace Officer Level 1s and Alberta Peace Officer Level 2s Employed by the Ministry of Environment and Parks, Environmental Enforcement Services:

Re: Authority to Enforce the *Public Health Act* and Chief Medical Officer of Health's Orders

On November 24, 2020 the Government of Alberta re-instated the province's public state of health emergency through Order in Council 354/2020.

As a result, the Minister of Justice and Solicitor General has issued Ministerial Order (64/2020) providing Community Peace Officer Level 1s and Alberta Peace Officer Level 2s employed by the Ministry of Environment and Parks, Environmental Enforcement Services the authority to enforce the Chief Medical Officer of Health's Orders through the *Public Health Act*.

As this Ministerial Order was issued under section 13(1) and 13(1.1) of the *Peace Officer Act*, consent of peace officers to enforce this new authority is not required as this section states

"Where a state of emergency has been declared under section 18(1) of the Emergency Management Act or a state of public health emergency has been declared under section 52.1(1) of the Public Health Act, the Minister is not required to obtain the consent of peace officers and the peace officers' employers before making an order under subsection (1)."

Therefore, all peace officers listed in the Ministerial Order must enforce the Chief Medical Officer of Health's Orders through the *Public Health Act*.

As with the authority granted during the initial provincial public health state of emergency (March 2020), **it is the authorized employer's responsibility to ensure their Community Peace Officer Level 1s fully understand what Orders are currently in place and what they entail for their region/municipality as a certain restriction may only apply to specific regions and/or municipalities throughout Alberta.**

Please ensure your peace officers review the most current Chief Medical Officer of Health's orders at the Alberta Government COVID-19 website located at www.alberta.ca/covid19 on a daily basis.

In addition, all authorized employers will be required to submit weekly reports to the Peace Officer Program (POProgram@gov.ab.ca). The following must be recorded on a PS3535 Incident Report:

- Number of Tickets Issued
- Number of Voluntary Compliance through Education
- Number of Unfounded Complaints

Authorized employers failing to provide the required reporting will be determine to be non-compliant with the *Peace Officer Act*, regulations and policy.

I have attached a copy of the Order in Council and Ministerial Order mentioned in this Bulletin.

If you have any questions, please do not hesitate to contact me at tammy.spink@gov.ab.ca or 780-427-6896. Thank you.

Sincerely,

Tammy Spink
Manager
Peace Officer Program

Attachments



ALBERTA
MINISTER OF JUSTICE

M.O. 64/2020

MINISTERIAL ORDER

I, **KAYCEE MADU, QC**, Minister of Justice and Solicitor General for the Province of Alberta, pursuant to section 13(1) and (1.1) of the *Peace Officer Act*, consider that an emergency exists that requires the services of one or more peace officers and hereby make the following order:

1. I declare that the peace officers listed in this Order have jurisdiction in all or any part of Alberta and in addition to the authorities responsibilities and duties set out in their individual appointments have the authority, responsibility and duty:
 - i. To enforce Alberta's *Public Health Act* and all of Alberta's Chief Medical Officer of Health's Orders.
2. This authority, responsibility and duty are granted only while performing the following duties:
 - i. Providing law enforcement services or other related duties in relation to Alberta's declared state of public health emergency relating to COVID-19; and
 - ii. Acting at the request of any police service in Alberta, Alberta Emergency Management Agency or any Government of Alberta Ministry.
3. This Order applies to the following peace officers:
 - i. All uniformed Alberta Peace Officers Level 2 employed/engaged by the Ministry of Environment and Parks, Environmental Enforcement Services; and
 - ii. All uniformed Community Peace Officers Level 1 employed/engaged by an authorized employer of peace officers as defined by section 5 of the *Peace Officer Act*.
4. This order shall remain in effect for a period of 90 days from the date set out below.

Dated at the City of Edmonton, in the Province of Alberta, this 27th day of November, 2020.



MINISTER OF JUSTICE AND SOLICITOR GENERAL
OF THE PROVINCE OF ALBERTA



Province of Alberta
Order in Council

O.C. 354/2020
NOV 24 2020

ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor
or
Administrator

WHEREAS the Chief Medical Officer of Health has provided advice to the Lieutenant Governor in Council under section 52.1 of the Public Health Act that a public health emergency exists due to the presence of pandemic COVID-19 in Alberta;

WHEREAS the Chief Medical Officer of Health has provided advice to the Minister of Health that COVID-19 presents a serious threat to public health and therefore the Minister of Health has deemed COVID-19 to be a pandemic influenza;

WHEREAS under section 52.8(1)(a) of the Public Health Act an order made in respect of pandemic influenza has effect for 90 days; and

WHEREAS the Lieutenant Governor in Council is satisfied that as a result a public health emergency exists and prompt co-ordination of action or special regulation of persons or property is required in order to protect the public health;

CHAIR

THEREFORE the Lieutenant Governor in Council declares a state of public health emergency in Alberta due to pandemic COVID-19 and the significant likelihood of pandemic influenza.

For Information only

Recommended by: Minister of Health

Authority: Public Health Act
(sections 52.1 and 52.8)