

The Saskatchewan Provincial Police Act

being

Chapter 79 of *The Revised Statutes of Saskatchewan, 1930*
(effective February 1, 1931).

FOR HISTORICAL REFERENCE ONLY

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 79

An Act respecting the Police Force of the Province of Saskatchewan

SHORT TITLE

Short title

1 This Act may be cited as *The Saskatchewan Provincial Police Act*.

R.S.S. 1920, c.66, s.1; R.S.S. 1930, c.79, s.1.

POLICE DIVISIONS

Divisions and subdivisions

2(1) The Lieutenant Governor in Council may from time to time divide the province into police divisions, delimiting the boundaries thereof and naming a point in each division which shall be the headquarters of any detachment of the force which may be assigned for duty therein. Each division shall be in charge of an inspector.

(2) The commissioner may by order divide any division into subdivisions, which may be placed in charge of noncommissioned officers or constables.

R.S.S. 1920, c.66, s.2; R.S.S. 1930, c.79, s.2.

CONSTITUTION

Police force established

3 There may be established within Saskatchewan a police force to be styled "The Saskatchewan Provincial Police Force" composed of a commissioner, assistant commissioner and such inspectors, noncommissioned officers and men as may from time to time be appointed thereto under the provisions of this Act.

R.S.S. 1920, c.66, s.3; R.S.S. 1930, c.79, s.3.

APPOINTMENTS

Lieutenant Governor in Council to appoint and dismiss

4(1) The commissioner and all other members of the force shall be appointed, promoted, reduced or dismissed, as the case may be, by order of the Lieutenant Governor in Council.

(2) The commissioner may temporarily suspend any other member of the force for alleged improper conduct, and the assistant commissioner or an inspector may for a like reason temporarily suspend any constable or noncommissioned officer.

(3) Every case of suspension by the assistant commissioner or an inspector shall be forthwith reported to the commissioner who shall report all cases of suspension to the Attorney General.

R.S.S. 1920, c.66, s.4; R.S.S. 1930, c.79, s.4.

Special constables

5(1) The Lieutenant Governor in Council may from time to time appoint such special constables or peace officers as to him may seem expedient, or confer power to appoint them upon the commissioner of police or upon any other person, and he may assign their duties, provide for their compensation, and make rules and regulations for their government.

(2) Such special constables shall, during the term of their appointment, be members of the provincial police force.

RS.S. 1920, c.66, s.3; R.S.S. 1930, c.79, s.5.

Jurisdiction throughout province

6 The commissioner and every other member of the force shall, unless the contrary shall appear in the instrument appointing him, be a constable for and have jurisdiction in and may perform his duties and execute process in any part of Saskatchewan.

R.S.S. 1920, c.66, s.6; R.S.S. 1930, c.79, s.6.

OATH

Oaths of office and allegiance

7(1) Every member of the force shall, before entering upon the duties of his office, take the oath of allegiance and also an oath of office in the form following, that is to say:

I, *A. B.*, of _____ do solemnly swear that I will faithfully, diligently and impartially execute and perform the duties required of me as a member of the Saskatchewan Provincial Police Force, and will well and truly obey and perform all lawful orders and instructions which I shall receive as such, without fear, favour or affection for or towards any person. So help me God.

(2) Such oaths may be taken before any justice of the peace in and for the Province of Saskatchewan, and shall be forwarded by the person taking same to the commissioner who shall file them with the Clerk of the Executive Council.

R.S.S. 1920, c.66, s.7; R.S.S. 1930, c.79, s.7.

Notice of resignation

8 A member of the force may resign from office at any time after sixty days previous notice in writing given to the commissioner of his intention to do so, but no such notice may be given by any member who is charged with an offence under this Act.

R.S.S. 1920, c.66, s.8; R.S.S. 1930, c.79, s.8.

COMMISSIONER

Powers of commissioner and assistant

9 The commissioner and assistant commissioner shall respectively have all the powers of two justices of the peace of the Province of Saskatchewan, and shall be coroners in and for the said province.

R.S.S. 1920, c.66, s.9; R.S.S. 1930, c.79, s.9.

Duties of commissioner

10 The commissioner shall perform such duties as may be assigned to him by the Attorney General and shall be subject to his control, orders and authority.

R.S.S. 1920, c.66, s.10; R.S.S. 1930, c.79, s.10.

Death or absence of commissioner

11 In case of the absence or death of the commissioner the assistant commissioner shall exercise all the powers conferred by this Act upon the commissioner.

R.S.S. 1920, c.66, s.11; R.S.S. 1930, c.79, s.11.

CONSTABLES

Constables to be British subjects

12 Every constable appointed to the force other than a special constable shall be a British subject of sound constitution, active and able-bodied, not less than 21 nor more than 35 years of age and able to read English and to write it legibly.

R.S.S. 1920, c.66, s.12; R.S.S. 1930, c.79, s.12.

GENERAL POWERS AND DUTIES

Members of force to be game guardians, etc.

13 Every member of the force shall be *ex officio*:

- (a) a game guardian under the provisions of *The Game Act*;
- (b) a fire guardian under the provisions of *The Prairie and Forest Fires Act*;
- (c) an attendance officer under the provisions of *The School Attendance Act*;
- (d) an inspector under the provisions of *The Vehicles Act*; and
- (e) an inspector under the provisions of *The Theatres and Cinematographs Act*;

and as such shall have all the powers necessary for the enforcement of the provisions of any of the said Acts.

R.S.S. 1920, c.66, s.13; R.S.S. 1930, c.79, s.13.

Duties of members generally

14 Members of the force shall, subject to the orders of the commissioner:

- (a) perform such duties as now are or may hereafter be assigned to constables relating to the preservation of the peace, the prevention of crime, and to offences against the laws in force in the Province of Saskatchewan, the criminal laws of Canada and the apprehension of criminals, offenders and others who may be lawfully taken into custody;
- (b) execute any warrant and perform any duties and service in relation thereto which may under the laws in force in the Province of Saskatchewan or the criminal laws of Canada be lawfully executed and performed by a constable;
- (c) execute all lawful orders and commands which may be issued by or with the advice of a superior officer.

R.S.S. 1920, c.66, s.14; R.S.S. 1930, c.79, s.14.

Public to assist when called upon

15 It shall be the duty of everyone in the province, when called upon by any constable or peace officer, promptly to aid and assist him in the execution of his duties; and whenever any person shall wilfully neglect or omit to do so he shall, in addition to any other penalty prescribed by law, be liable on summary conviction, to a fine not exceeding \$20.

R.S.S. 1920, c.66, s.15; R.S.S. 1930, c.79, s.15.

SALARIES

Lieutenant Governor to fix salaries

16 The Lieutenant Governor in Council may from time to time fix the remuneration to be paid to the commissioner and other members of the force for their services, regard being had to the number of constables from time to time actually organised and enrolled, to the consequent responsibility attaching to their respective offices and, to the nature of the duty or service and amount of labour devolving upon them.

R.S.S. 1920, c.66, s.16; R.S.S. 1930, c.79, s.16.

OFFENCES AND PENALTIES

Suspension of higher officials

17 The commissioner, assistant commissioner or an inspector, if charged with any of the offences enumerated in section 18 may be suspended by the Attorney General, who may on receipt of the charge in writing, order an investigation, as in the case of a special inquiry under the provisions of this Act.

R.S.S. 1920, c.66, s.17; R.S.S. 1930, c.79, s.17.

Suspension of other members

18 Every member of the force, other than the commissioner, assistant commissioner or an inspector, who is charged other members with:

- (a) disobeying or refusing to obey the lawful command of his superior;
- (b) striking his superior;
- (c) oppressive or tyrannical conduct towards the general public;
- (d) intoxication, however slight;
- (e) having intoxicating liquor illegally in his possession;
- (f) directly or indirectly receiving a gratuity without the commissioner's sanction;
- (g) directly or indirectly receiving a bribe;
- (h) wearing a society or party emblem whilst on duty;
- (i) manifesting any political partisanship;
- (j) holding over a complaint;
- (k) mutinous or insubordinate conduct;
- (l) unduly withholding any allowance or other public money intrusted to him;
- (m) misapplying or improperly withholding money or goods levied under a warrant or taken from a prisoner;
- (n) divulging any matter or thing which it is his duty to keep secret;
- (o) making any anonymous complaint to the government or to the commissioner;
- (p) communicating either directly or indirectly to the public press without having first obtained the commissioner's authority to do so, any matter or thing touching the force;
- (q) wilfully, negligently or by connivance allowing a prisoner to escape;
- (r) cruelly or harshly treating, or using unnecessary violence towards a prisoner or any other person;
- (s) leaving his post while on duty or while acting as sentry;
- (t) deserting, or absenting himself from his duties or quarters without leave;
- (u) scandalous or infamous behaviour;
- (v) disgraceful, profane or grossly immoral conduct;
- (w) violating any standing order, rule or regulation;
- (x) any disorder or neglect to the prejudice of morality or discipline not specified in this Act, or in any rule or regulation;

may be forthwith suspended and thereafter proceeded against in accordance with the provisions of this Act.

Investigation of charge

19 The, commissioner, assistant commissioner or the inspector commanding a division may forthwith on a charge in writing of any one or more of the offences mentioned in section 18 being preferred against any member of the force other than the above named officers, cause the person so charged to be brought before him. He shall then and there in a summary way investigate the charge, and may for that purpose compel the attendance of all necessary witnesses in the same manner as if the proceedings were before a justice of the peace under Part XV of the *Criminal Code*, and if such charge be proved on oath to his satisfaction, he shall convict the offender thereof.

R.S.S. 1920, c.66, s.19; R.S.S. 1930, c.79, s.19.

Penalty

20(1) Any such offender shall be fined an amount not exceeding two months' pay and all costs, and, in default of the payment of such fine and costs, shall be imprisoned for a term not exceeding three months with or without hard labour.

(2) If the offender is a sergeant or corporal, he may, in addition to the penalties provided by this section, be reduced in rank.

R.S.S. 1920, c.66, s.20; R.S.S. 1930, c.79, s.20.

Record of proceedings

21 The commissioner shall cause the record of all proceedings respecting an offence and inquiry under this Act to be laid forthwith before the Attorney General who may reverse, alter or modify the sentence.

1921-22, c.28, s.2; R.S.S. 1930, c.79, s.21.

Period of service not to affect imprisonment

22 If a member of the force is imprisoned for an offence under this Act, the term of imprisonment shall not be deemed to be abridged, or to cease, in consequence of the expiry of imprisonment the time during which the offender has engaged to serve in the force, and in all cases the pay of an offender shall be forfeited during the period of imprisonment.

R.S.S. 1920, c.66, s.22; R.S.S. 1930, c.79, s.22.

SPECIAL INQUIRY**Attorney General may order inquiry**

23 The Attorney General may, if he deems it advisable so to do, order a special inquiry to be made respecting the commission of any of the offences mentioned in this Act or into the conduct of any member of the force or into any complaint against any such member, and the person conducting the inquiry may examine any person under oath or affirmation, and compel the attendance of any witness deemed necessary, in the same manner as if the proceedings were before a justice of the peace under Part XV of the *Criminal Code*.

1921-22, c.28, s.3; R.S.S. 1930, c.79, s.23.

SASKATCHEWAN PROVINCIAL POLICE

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ROYAL CANADIAN MOUNTED POLICE

Employment of R.C.M.P.

24 The Lieutenant Governor in Council may from time to time make arrangements with the government of Canada for the services of the Royal Canadian Mounted Police Force, or any portion thereof, in aiding the administration of justice in the province, and in carrying into effect the laws in force therein, and for payment for these services by the province of such sum as may be deemed advisable.

1928-29, c.22, s.1; R.S.S. 1930, c.79, s.24.

