

C-18 Police Accountability Act

An Act to implement a body camera program for RCMP and to provide fundings for similar programs

Preamble

WHEREAS law enforcement agencies play a critical role in protecting the safety and security of Canadians;

WHEREAS the trust and accountability in law enforcement agencies are of the utmost importance for effective policing, and improved safety and security of the public and law enforcement officers;

WHEREAS the Royal Canadian Mounted Police is organized under the jurisdiction of the Government of Canada, while providing contract policing services across the nation;

WHEREAS the use of body cameras has shown positive results, with scientific studies showing reductions in use-of-force by law enforcement officers and complaints against officers, such that the Peace, Order, and good Government will be promoted by the implementation of body camera program;

WHEREAS Canada has a vital interest in promoting the Peace and Order across the nation;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the House of Commons of Canada, enacts as follows:

Short title

1. This Act may be cited as the *Police Accountability Act*.

Interpretation

2. (1) The following definitions apply in this Act:

“body camera” means an electronic device worn on a person's body that records both audio and video data;

“peace officer” has the same meaning as in section 2 of the *Criminal Code*;

“province” means a province of Canada, and includes Yukon, the Northwest Territories and Nunavut;

“public place” includes any place to which the public have access as of right or by invitation, express or implied;

“toilet” means a device used for individual disposal of human waste and excrement, and includes a lavatory, water closet and urinal.

(2) A person is considered to be the provincial equivalent to the Privacy Commissioner of Canada in a province if they hold the position specified in Schedule I for the province.

(3) The Governor in Council may, by order, amend Schedule I.

Royal Canadian Mounted Police

3. (1) The Royal Canadian Mounted Police must implement a program that mandates that all on-duty officers are equipped with body camera at all times in public place and in uniform, and record using the camera all contacts with the public from the beginning to the end of the contacts.

Phase-in period

(2) The program in subsection (1) must be implemented within one year after this Act comes into force, unless the implementation is impractical due to lack of appropriate options for body cameras, storage or maintenance.

Where implementation is not practical

(3) If the program is not implemented within one year due to lack of appropriate options for body cameras, storage or maintenance, the program must be implemented in areas where there are appropriate options within one year, and the Commissioner of the Royal Canadian Mounted Police must complete a report to the Parliament identifying the impracticality within eighteen months after this Act comes into force.

Grant funding

4. (1) The Minister of Finance, or another Minister designated by Order in Council, is to make grant funding available to law enforcement agencies in Canada to establish a body camera program for peace officers employed that meet the requirements of this Act.

Ministerial discretion - refusal

(2) The Minister responsible for subsection (1) has the discretion to refuse a request for grant funding if the Minister has reasonable grounds to believe:

- (a) the program would not be effective for law enforcement or beneficial to the public;
- (b) the program would unjustly and unreasonably infringe privacy or other rights of the peace officers and the public after consulting with the Privacy Commissioner of Canada or equivalent of a province where the program would be implemented; or
- (c) the program would be contrary to the national interest of Canada.

Ministerial discretion - the number of the grants

(3) The Minister responsible for subsection (1) has the discretion to set the total amount of the grants available, but the total amount must be at least ten million dollar every year.

Ministerial discretion - the amount of the grants

(4) The Minister responsible for subsection (1) has the discretion to set the amount of the grant, but the grant must be more than ten percent while less than eighty percent of the total cost of the program.

Requirements

5. The program of the Royal Canadian Mounted Police required by section 3 and a program seeking for a grant under section 4 must meet following requirements:
 - (a) every peace officer under the program must have a body camera when in uniform and public place if they are on duty;

- (b) the camera must be turned on and in recording at all times when in uniform and public place if the officer is on duty, unless exempted by this Act or any other Act of Parliament;
- (c) the body camera must be worn on the chest or at the eye level;
- (d) a peace officer must inform a person when that person is recorded by a body camera unless informing the person would be unsafe, impractical, or impossible;
- (e) a peace officer must make every reasonable effort to capture the relevant incident for which the body worn camera is in operation; and
- (f) the program is discussed with the Privacy Commissioner of Canada or equivalent for the province where the program would be implemented, and a report by the Privacy Commissioner or the provincial equivalent is presented to the Minister of Public Safety for the program of the Royal Canadian Mounted Police or the Minister responsible for section 4 for a program seeking a grant.

Exemptions

- 6. The following exemptions to the requirements in section 5 apply:
 - (a) a requirement is exempted when it is contrary to an Act of the legislature of the province where the program would be implemented;
 - (b) a peace officer may turn off the body camera when they enter a non-public place and are requested by the owner, tenant or custodian of the place to do so; and
 - (c) a peace officer may turn off the body camera when in a toilet unless they are called to respond an incident that occurs there.

Data retention

- 7. (1) The recorded data by Royal Canadian Mounted Police must be retained for two years from the date of recording and then destroyed.
(2) The recorded data by Royal Canadian Mounted Police may be retained longer than two years if the data is a part of an criminal, intelligence, disciplinary, or other law enforcement investigation.

Appropriation for 2016-2017

- 8. (1) The RCMP may spend at most fifty million dollars from Budget 2016 voted to the Department of Public Safety in order to carry out functions required for the RCMP under this Act.
(2) Eleven million dollars from Budget 2016's surplus is allocated to administer and fund the grants under section 4.

Coming into force

- 9. This Act comes into force on a day or days to be fixed by order of the Cabinet within one year after the passage of this Act.

Schedule I

1. The following person is considered to be the provincial equivalent to the Privacy Commissioner of Canada in that province:
 - (a) for Alberta, the Information and Privacy Commissioner of Alberta;
 - (b) for British Columbia, the Information and Privacy Commissioner for British Columbia;
 - (c) for Manitoba, the Manitoba Ombudsman;
 - (d) for New Brunswick, the Access to Information and Privacy Commissioner;
 - (e) for Newfoundland and Labrador, the Information and Privacy Commissioner;
 - (f) for the Northwest Territories, the Information and Privacy Commissioner of the Northwest Territories;
 - (g) for Nova Scotia, the Information and Privacy Commissioner for Nova Scotia;
 - (h) for Nunavut, the Information and Privacy Commissioner;
 - (i) for Ontario, the Information and Privacy Commissioner of Ontario;
 - (j) for Prince Edward Island, the Information and Privacy Commissioner;
 - (k) for Quebec, the Commission d'accès à l'information du Québec;
 - (l) for Saskatchewan, the Saskatchewan Information and Privacy Commissioner;
and
 - (m) for Yukon, the Information and Privacy Commissioner.