



# Administrative Penalties System Update C2023-0053

January 24, 2023

# Recommendations

## Recommendation #1

Conclude Administrative Penalties System Program and continue to rely on Provincial Traffic Court



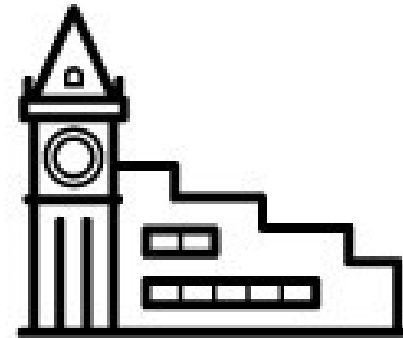
## Recommendation #3

Relinquish \$275K in Council Innovation Funds



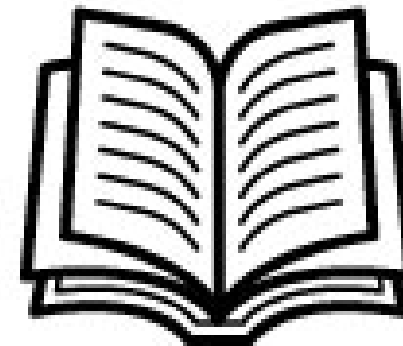
## Recommendation #2

Focus on relationship building with the Government of Alberta and monitor for future justice reforms



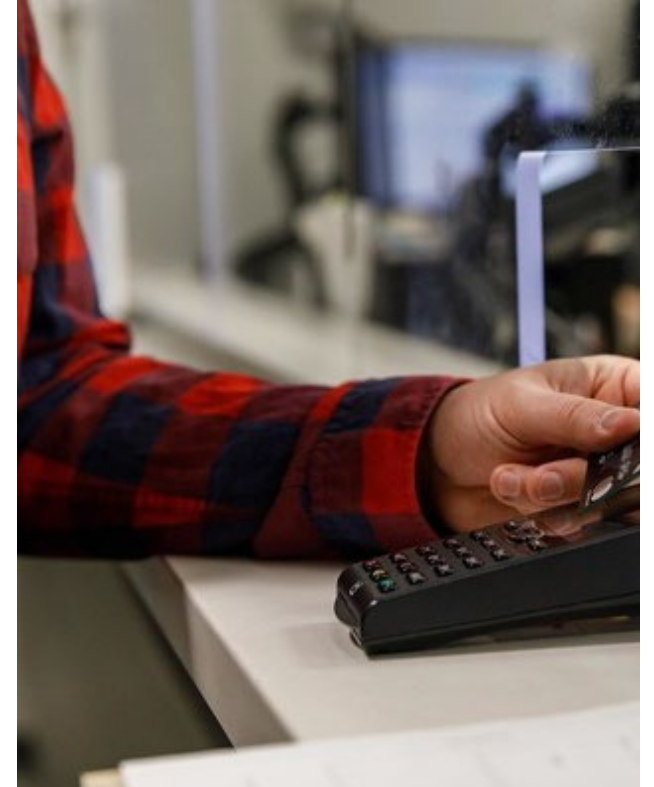
## Recommendation #4

Return to Council with further information or recommendations as required



# What has changed?

- Province's Justice Transformation Initiative (JTI)
  - Phase I program launched;
  - Phases II and III paused, then cancelled
- Escalating delays in Provincial Traffic Court
- Reassessments of APS implementation financial impacts and risk
- Calgary Transit enforcement innovations to support access to justice for vulnerable populations
- Limits on Organizational Capacity





# Financial Implications

## STATUS QUO TRAFFIC COURT

Estimates (\$000's)	with Service Alberta Collection	
Gross Revenue	26,200	
Uncollectable Revenue	(2,259)	
Collections Cost	-	
Ongoing Operating Cost	(1,978)	
<b>Operating Fine Revenue Recovery</b>	<b>21,963</b>	

## MUNICIPAL APS

Estimates (\$000's)	with Service Alberta Collection	with Municipal Collection
Gross Revenue	27,985	27,344
Uncollectable Revenue	(2,370)	(7,799)
Collections Cost	(630)	(980)
Ongoing Operating Cost	(2,388)	(2,388)
<b>Operating Fine Revenue Recovery</b>	<b>22,597</b>	<b>16,176</b>

### Key Notes

1. Given the broad assumptions in the financial estimates, the Service Alberta options above should be considered equal.
2. Financial estimates include both CPA and Calgary Transit.

# Risk Implications

**A**

## Wide range of potential impacts



Current treatment of municipal bylaw offences under the Provincial Traffic Court system has process and timeline concerns. Municipal APS restricted to certain matters but would provide better access to justice.

**B**

## Greatest financial risk is revenue



The greatest financial risk is to revenue. Losing Service Alberta collections, or being subject to a provincial drawdown, could significantly reduce fine revenue.

**C**

## Dialogue with Province is critical



Ongoing collaboration with the Province is needed to mitigate financial, operational and strategic risks to support favourable outcomes. Current justice reforms are worth monitoring / studying.

**D**

## Keep administrative priorities in mind



There are limits to organizational capacity given the lack of budget and resources to support costs associated with APS implementation and operations.

# What did we hear?

## Senior Management Engagement, September 2022

### Director of Mobility

- Focus on relationship building
- Remain curious about and learn from Province re: justice reforms
- Monitor impacts on the current court system

### Director of Emergency Management and Community Safety

- Compassion and the pursuit of compliance and education over enforcement favour APS implementation
- Considering foreseeable costs, pausing until less volatility exists at the Provincial level may be best
- APS implementation could raise reputational risks re: due process

### Director of Calgary Transit

- Organizational realignment places this initiative within the purview of EM&CS. Transit defers to them for decision making.



# Recommendations

That Council direct Administration to:

- a) Conclude the Administrative Penalties System Program and continue to rely on the Provincial Traffic Court for adjudication of bylaw offence appeals;
- b) Continue dialogue and relationship building with the Government of Alberta and to look for opportunities to participate in future Alberta Justice reform initiatives that improve equity in access to justice for Calgarians, and/or efficiencies for The City of Calgary;
- c) Relinquish the \$275K allocated from the Council Innovation Fund to support Administrative Penalties System Program implementation; and
- d) Return to Council with further information or recommendations when there are significant impacts from changes to the effectiveness or efficiency of Provincial Traffic Court, or opportunities to improve bylaw offence appeal adjudication processes.