

## Administrative Penalties System Program Update

### 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 look for opportunities to participate in future Alberta Justice reform initiatives that support 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.

### HIGHLIGHTS

- Since Council approved implementation of an Administrative Penalties System (“APS”) Program to adjudicate appeals of parking and transit fare evasion matters in 2020 July, a change in the Government of Alberta’s direction on justice reform required Administration to re-evaluate the best strategic options for The City of Calgary.
- What does this mean to Calgarians? The most recent financial and operational analysis indicates that there is no demonstrable efficiency or effectiveness to be gained by APS implementation at this time. The City of Calgary can achieve its objective of serving the community by building collaborative relationships with the Government of Alberta (“the Province”) and continuing to establish measures that will effectively and equitably support access to justice.
- Why does this matter? Concluding the APS Program following the Province’s change in direction on justice reform supports alignment, ensures an efficient use of City resources and creates an opportunity to evaluate and learn from the changes that are being introduced at the Provincial Traffic Court, and their impacts on municipal matters.
- Administration has already had success in implementing measures to better support access to justice for vulnerable populations.
- Administration is committed to continuous improvement and continues to explore opportunities to expand dispute resolution processes to improve access to justice and streamline prosecutions.
- Background and Previous Council Direction is included as Attachment 1.

### DISCUSSION

The City of Calgary’s (“The City”) authority to implement an APS flows from The City Charter 2018 Regulation (“the Charter”). Under the Charter, The City can establish a tribunal to adjudicate transit fare evasion and parking offence appeals. Unless and until the Charter is revoked or otherwise amended, The City can exercise its authority to implement an APS.

The APS Program, comprised of a Corporate working group, has been working with internal partners to evaluate the financial and operational implications of APS implementation. The most

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recent financial analysis shows that there is no demonstrable efficiency to be gained by APS implementation, taking into account the resources that would be required, and noting that they would be drawn from existing organizational capacity.

The Province has shifted its priorities for justice reform away from the use of tribunals; instead, it has committed resources to support improvement of Provincial Traffic Court justice processes, including expanding the use of electronic disclosures and remote hearings. These initiatives do not include municipal bylaw enforcement matters, and it will take time to see if they have impacts on reducing delays or deliver improvements for the public or The City.

Important objectives of an APS are achievable outside of APS implementation; for example, Calgary Transit enforcement has provided better access to justice for vulnerable populations responding to transit fare evasion enforcement matters. Alternative dispute resolutions such as referral to the Fair Entry Program have pre-emptively achieved some of the objectives that APS implementation would have supported. Administration continues to explore opportunities to expand dispute resolution processes to improve access to justice and streamline prosecutions.

The Directors of Mobility, Emergency Management and Community Safety and Transit support focus on relationship building and advocacy. Mobility and Intergovernmental Relations can identify opportunities to learn from Provincial Traffic Court changes and advocate for inclusion of Calgary bylaw offence appeal adjudications in justice reform initiatives. The Law Department is engaging the Province to identify opportunities to improve access to justice and service.

### **EXTERNAL ENGAGEMENT AND COMMUNICATION**

- |  |   |
|--|---|
| <input type="checkbox"/> Public engagement was undertaken        | <input type="checkbox"/> Dialogue with interested parties was undertaken                |
| <input type="checkbox"/> Public/interested parties were informed | <input checked="" type="checkbox"/> Public communication or engagement was not required |

### **IMPLICATIONS**

#### **Social**

Not applicable.

#### **Environmental**

Not applicable.

#### **Economic**

Not applicable.

#### **Service and Financial Implications**

##### **Other: Funds returned to Council Innovation Fund**

\$275,000

If Council adopts the recommendations of this report, \$275K allocated to support APS implementation will be relinquished to the Council Innovation Fund.

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### **RISK**

If The City concludes the APS Program, and continues to rely on the Provincial Traffic Court for the adjudication of municipal bylaw offence matters, there is a risk that trial delays could pose a barrier to the public's access to justice and undermine the efficiency of bylaw enforcement matters requiring prosecution. Close collaboration with the Province and monitoring of the Provincial Traffic Court by Administration will be important to ensure that the effectiveness and efficiency of processes and timelines serve the interests of Calgarians and The City going forward.

### **ATTACHMENT(S)**

1. Previous Council Direction, Background
2. Summary Presentation

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Jill Floen, City Solicitor and General Counsel	Law, Legislative Services and Security	Approve
Chris Arthurs, General Manager	People, Innovation and Collaboration Services	Inform
Troy Macleod, Director, Mobility	Operational Services	Consult
Katarzyna Martin, City Clerk	Law, Legislative Services and Security	Approve